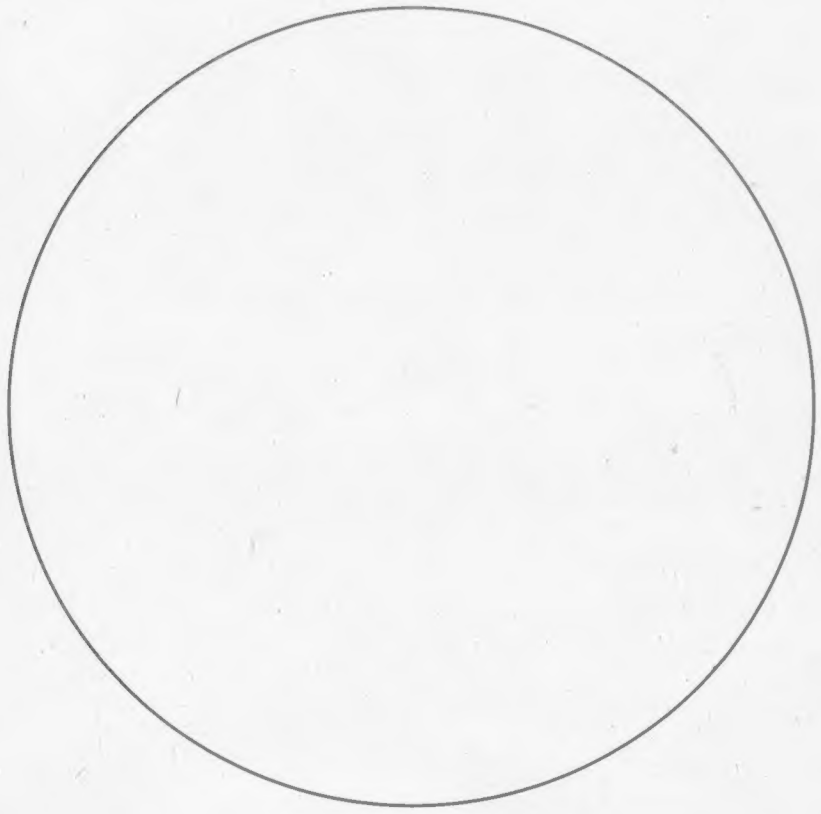
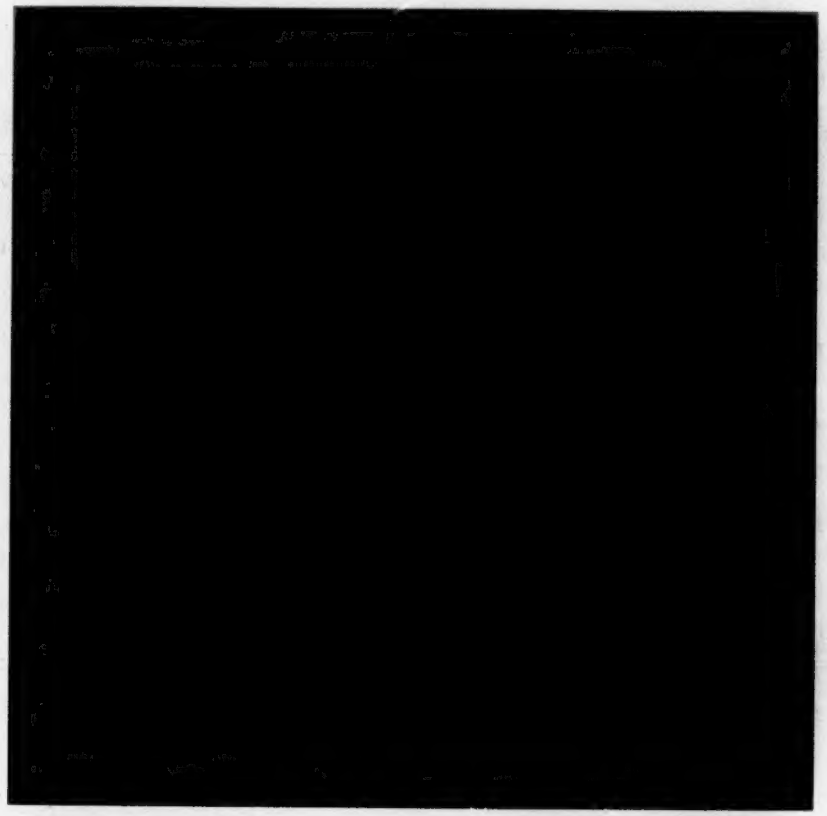


NATIONAL ARCHIVES CENTER

FORT WORTH, TEXAS





SHOULD MEASURE .25" AT REDUCTION

0 12x 16x 20x 24x 28x 30x

MANUFACTURED BY
PHOTOGRAPHIC SCIENCES CORPORATION
770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK, 14580

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M1301

APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 294

CHEROKEE FREEDMEN 1346 - 1385

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Cher Fr 1346
See Cher Fr 1345

Cher Fr 1346

FP 1046

-3-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

SEP 21 1901

ACTING CHAIRMAN.

Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 16, 1901.

In the matter of the application of Lena Hanks for enrollment as a Cherokee Freedman.

Appearances:
L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for the Cherokee Nation.

Lena Hanks, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lena Hanks.
Q How old are you? A 21 years old.
Q What is your postoffice address? A Muskogee.
Q What district do you live in; you live in Muskogee? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Ed Hanks.
Q Is he a citizen? A No, sir.
Q What was your father's name? A Frank Blade.
Q What is your mother's name? A Jane Alberty.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir, I guess it isn't.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace roll I think, Lena Blade then was my name.
Q You been married more than once? A No, sir.

The 1880 authenticated roll and the 1896 census roll of Cherokee Freedman examined and the applicant not identified on either of said rolls.

The Wallace roll examined, and the applicant identified thereon, page 99, No. 2121, Going Snake district, as Lena Blade.

Q Where were you born? A Going Snake district.
Q How long have you lived in the Cherokee Nation, or did you ever live here? A Yes, sir, I lived there when I was with my mother, when she lived there, and lived in here until I was married, and now I live in Muskogee, and when I married I lived in Tahlequah.
Q How long have you lived in Muskogee? A Four years.
Q That is in the Creek Nation? A Yes, sir.
Q Did you live in the Cherokee Nation all the time from your birth up until four years ago? A No, sir, I have lived in the state when my mother lived there, I always lived with her.
Q What state? A Just across the line from Westville, Cincinnati.
Q State of Arkansas? A Yes, sir.
Q How long did you live there? A I don't know how long.
Q You don't know how long you lived in the Cherokee Nation then?
A No, sir.
By L. T. Brown: You gave your mother's name as Jane Alberty; what is her present name? A Jennie Ballard; some people call her Jennie but it is Jane.
Q When were you born? A In 1881.
Q In what year were you married? A I was married in 1897.
Q Where were you living prior to your marriage? A Tahlequah.
Q In the Cherokee Nation? A Yes, sir.
Q Is your mother the Jane or Jennie Ballard who has been listed for enrollment? A Yes, sir.
Mr. Hastings: How long did you live in Tzhlequah in 1897? A Two or three years, three or four, I don't know just how long.
Q Well, think it up and tell us? A I don't know whether I can tell it or not, I don't know just how long I lived there.
Q Well, who were you living with? A I was living with mama.
Q And she was living there in 1897, was she? A Yes sir.

Q That is when you married? A Yes, sir, I married here in Gibson in 1897, but my home was in Tahlequah.

Q Well but where was your mother actually then? A She was here at Gibson then, but her home was in Tahlequah, she was living in Tahlequah.

Q She had come from Tahlequah a few days before? A Yes, sir, here to Gibson.

Q And how long had she been staying continuously in Tahlequah?

A I don't know how long she had been there.

Q About how long? A Three or four years, I don't know just how long.

Q Where did she come from? A From Cincinnati.

Q Cincinnati, Arkansas? A Yes, sir.

Q Where was she during the Kern-Clifton enrollment in 1896? A At Tahlequah in 1896.

Q How long had she been there then? A I don't know how long she been there.

Q How long had she been there before the Kern-Clifton enrollment?

A I don't know, sir.

Q About how long? A I don't know, sir, I don't know, I never was at the enrollment, and don't know anything about it.

Q You know what that was made? A No, sir, I know there was an enrollment in 1896, I don't know what enrollment it was because I wasn't there, my mother always enrolled me, this is the first time I have ever had to come before the Court to be enrolled.

Q Well, when you were first old enough to remember, where were you living? A I was living in Going Snake district.

Q How far from Jack Alberty's? A I guess about a quarter of a mile, I can't remember very much about it because I was small.

Q You left there before you were old enough to remember much about it? A Yes, sir.

Q And then you went from there to Arkansas? A No, sir, I went to Okmulgee.

Q How long did you live at Okmulgee? A I don't know.

Q Forty years? A I don't guess I did, I am not that old.

Q Well, I want something in the neighborhood; were you there six months or two years, or how long? A I don't know, sir, might have been two years or six months or three years, I was small, I don't know.

Q Then you went from Okmulgee where? A Came back to Going Snake.

Q Where did you go from Going Snake to Arkansas? A I don't know what year, we moved over there when we came back from Okmulgee.

Q You don't know how old you were? A No, sir.

Q You know how long you lived in Arkansas? A No, sir.

Q Don't have any idea? A No, sir, all the dates I know, how long I lived in Muskogee.

Q That is all you know about dates? A About how long I lived, because I just moved.

Q And these other dates you just been guessing at; that about the truth of it? A I am not guessing at all, I told you I don't know how long it was.

Q When you stated anything you just guessed at it? A (No response)

Commission: Did you draw what is known as the strip money? A We drew on the Wallace roll I guess, $15.50.

Q You didn't draw then this strip money? A No, sir, just this '96 money we didn't draw that.

Q Did you try to? A I don't know, my mama went to be enrolled.

Q Do you know whether she got the money or not? A No, sir, she didn't get it.

L. T. Brown: From your birth up until the time of your marriage in 1897, with whom did you live? A I lived with mama.

L. T. Brown: I would like to have the testimony taken in the matter of the application of Jane, or

Jennie Ballard made a part of the testimony in her case, the applicant being a child of Jennie Ballard.

Commission: Lena Banks applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is duly identified upon the Wallace roll according to page and number of the roll as indicated in the testimony. She avers that she is the child of Jane or Jennie Ballard, who is listed for enrollment on D card No. 659. A copy of the testimony in the case of Jane Ballard will be made part of the record in the case at bar, and she will be listed for enrollment as a Cherokee Freedman upon a doubtful card.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 18th of September, 1901.

M D Green
Notary Public.

"B" F.D.1046

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 16 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 16th, 1901
Post Office Muskogee, I. T.
District Creek Nation.

1. Name
Owner's name
Year Page No. District
Age
Citizenship
Parents:
Father Citizenship
Mother Citizenship

4. Name of wife Lena Hawkins
Owner's name
Year Tal. Page 99 No. 2121 District Ft. Gibson
Age 21
Citizenship
Parents:
Father Frank Blade Citizenship Cherokee
Mother Laura Alberty Citizenship
Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12 Year Page No. Dist.

Application made by Lena Hawkins
Stenographer B. S. Jones

#1 on Tribal Roll as Lena Blade

Applicant represented by Agent - Lewis T. Brown

Ref. T. 659

10

3D1046

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 26 1901



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. June 1, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Lucy Hawkins for enrollment as Freedmen of the Cherokee Nation.

Louis J. Brown

No. 1134

File with Cherokee Freedman [illegible], Lena Hanks.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 10, 1901.

In the matter of the application of Jennie Ballard for the enrollment of herself and four children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Q Give me your name? A Jennie Ballard.
Q How old are you? A I am going on 42.
Q What is your postoffice? A Tahlequah.
Q In what district do you live? A I live in Tahlequah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for anybody besides yourself? A Yes sir.
Q Have you any children you want to apply for? A Yes sir, I have four.
Q Are these all under 21 years of age? A These four are yes sir.
Q Are they all unmarried? A Yes, sir.
Q Are they all living with you now? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation and lived in and out all my life.
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes sir.
Q To whom did you belong? A Alberty's.
Q What Albertys? A Old Johnny Alberty.
Q Give me the name of your father? A I don't know my father.
Q Give me the name of your mother? A My mother was Martha Alberty.
Q Is your motheralive? A No sir, she died when I was a small child.
Q She died during the war? A Yes sir.
Q Where did she die? A I don't hardly know. She didn't die in the Cherokee Nation; her master taken her off south; she died down south somewhere.
Q Down in Texas? A Yes sir, in the Choctaw Nation, I believe I have heard grandmother say.
Q Was she a slave of old John Alberty? A Yes sir.
Q Was he a recognized and well known citizen of the Cherokee Nation? A Yes sir.
Q Where were you during the war? A I was with my mother until her death, and she was with her boss in Texas or down south somewhere; my grandmother always said it was down south, I don't remember much about it.
Q You were too little? A Yes sir, small child.
Q Are you on the roll of 1880? A Yes sir, with my grandmother.
Q What is the name of your grandmother? A Nicey Alberty.
Q Is she dead? A Yes sir, she is dead.
Q How long has she been dead? A Oh I don't just remember; she has been dead a good while.
Q Fifteen years? A Yes sir, near about that, I don't remember just exactly when she died.
Q Who brought you up after your mother's death, who had charge of you in your childhood? A Mr. Jack Alberty.
Q I mean after the war? A Well her boss that taken her off brought her back and she brought me back with her; my mother died in Texas and I fell to my grandmother; she came back with her boss and they brought me back too.
Q Wasn't Jack Alberty her master? A Yes sir.
Q And you came back after the war with them? A Yes, sir.
Q How many times have you been married? A Only once.
Q To whom were you married? A John Ballard.
Q What is he, Cherokee Freedman of a state man? A He was a state man.
Q Is he dead or alive? A He is living.
Q Are you living with him? A No sir.
Q When did you marry him? A Near 21 years since we were married.

Q Where did you marry him? A In Goingsnake District.
Q In the Cherokee Nation? A Yes sir.
Q How long did you and he live together? A About 14 years.
Q You say you have lived in the Cherokee Nation, in and out?
A Yes sir, all my life, about two miles and a half from the line; five miles is the furthest I have ever been from the line since I was born, to live only I was in the Nation, I have lived in the State, worked over there.
Q In what state? A There I mean over in the state, I lived in Washington, worked there a great deal.
Q What Washington? A Washington County, Cincinnati.
Q Arkansas? A Yes, sir.
Q Where are you living at this time? A In Tahlequah.
Q How long have you been living there? A About nine months, now since I come back this last time.
Q Where did you come from to Tahlequah nine months ago? A Cincinnati, Arkansas.
Q When had you been to Tahlequah before that to live, or any other place in the Nation? A How long had you been living over there just across the Arkansas line? A Little over two years: I went back to Cincinnati after the payment.
Q How long after the payment did you go back to Cincinnati? A I don't just remember.
Q Was it two or three months? A Oh no sir, longer than that, nine or ten months.
Q Did you live there until you came to Tahlequah at this time?
A Yes sir.
Q How long before the payment was it that you came to the Cherokee Nation? A I don't remember just how long it was.
Q Was it two or three months? A It was a year or such a matter.
Q Before the payment? A Yes sir.
Q Where did you come from? A Come from Cincinnati.
Q How long had you been living there at Cincinnati? A About eight or nine years, between times. I were out on a ranch in the Creek Nation, worked during the time.
Q How long had you been at Cincinnati before you came back here something like a year before the payment? A Oh I expect about eight or nine years; about eight years I guess, somewhere along there.
Q Before you went to Cincinnati at that time, which was about ten years before the payment, nine or ten years before the Strip payment, where had you lived? A In Goingsnake, right near the line, right where I was born and raised.
Q Was that the first time you had ever been to Cincinnati? A That was the first time I had been to Cincinnati, but I had always mostly worked across the line since I was a small child; just worked by the week, my grandmother wasn't able to take care of me.
Q How far did your grandmother live from the Arkansas line? A The folks she lived with, the line passed, was right at the corner of the porch; most I ever lived was a mile one way and two miles the other and then it was a mile to Westville, to the Depot, to Cincinnati.
Q You say your husband was a state man? A Yes sir, he was born and raised in Arkansas; he didn't belong to the Territory, he was born and raised right there in about two miles of where I was born.
Q Did he farm over on the Arkansas side? A Yes sir, he belonged to Tom Ballard.
Q Before you married him had you lived outside of the Cherokee Nation? A No sir, I lived with my grandmother, only when I worked out, my home was out at Widow Buffington's in the Cherokee Nation, between Mr. Jack Alberty's and old Mrs. Buffingtons'.
Q After you married your husband did you go over into Arkansas with him? A Yes sir, sometime afterwards, after my grandmothers death we went out; he worked in the Territory first one place and another, and I went over to Cincinnati and he went to Ft. Smith.
Q How long after you married was it before you and your husband

went over to Arkansas to live? A Oh I don't remember.
Q How long did you and he live together over there? A About fourteen years we lived together after we was married, but we didn't live over there all the time.
Q I am asking you how long you lived together over there? A Couple of years.
Q And then you parted? A Yes sir.
Q And he went down to Ft. Smith? A No sir, we aint been parted but-while he was working at Ft. Smith we wasn't parted, when he was working at Ft. Smith I was taking care of the children.
Q You are on the 1880 roll? A Yes sir.
Q Under what name? A Jane Alberty, with my brother, Jeff Alberty, and my grandmother, Nicey.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: -
page 403 #23 Jane Alberty, Goingsnake Dist, adopted colored;
Q Your brother and grandmother are both dead? A Yes sir.
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Q Did you drew Strip money? A Yes sir.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Q Give me the names of these four children that you apply for?
A Malcolm Ballard.
Q How old is this child? A He is 20 years old.
Q How the next child? A Jeff Ballard.
Q How old is Jeff? A 18.
Q How the next child? A 17.
Q Give me the name? A Spivey Ballard.
Q How old is Spivey? A 16.
Q Now give me the next one to Spivey? A 15.
Q What is the name? A Anna Ballard.
Q Did you drew Strip money for these children? A No sir, I did at the Wallace payment, but I didn't get any money for them at this payment.
Q That at the Strip payment? A No sir.
Q Where was Malcolm born? A In Goingsnake District.
Q Where was Jeff born? A In Goingsnake.
Q Where was Spivey born? A He was born in Washington County, Arkansas.
Q Where was Anna born? A She was born in Washington County, Ark.
1896 census roll of citizens of the Cherokee Nation examined for these children and names not found thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined for these children and names not found thereon;
Wallace roll of citizens of the Cherokee Nation examined and applicants identified as follows:
Page 92 #2118 Jennie Ballard, Goingsnake District;
Page 99 #2128 Malcolm Ballard, Goingsnake District.
Q Was this child Spivey ever in the Cherokee Nation to live until nine months ago? A Yes sir. I was just worked out there at his birth.
Examined by Cherokee Representative, James Davenport:
Q You came to Tahlequah about how long ago? A This last time I came over about nine months ago.
Q Did you bring your family with you?, A Yes sir.
Q What part of the town of Tahlequah are you living in now?
A I don't know whether you would call it east or -
Q Well you know who lives near by you don't you? A I live close by old Mrs. Greece and several Cherokee families, I live in Chief Swimmers building.
Q When did you move in to Chief Swimmer's building, about how long ago? A 23 of February.
Q You came directly from Cincinnati, Arkansas, over to Tahlequah,

didn't you? A Yes sir.
Q Your family is now in Tahlequah? A Yes sir.
Q How had been living for some years in Cincinnati, Arkansas, before coming to Tahlequah this last time? A Yes sir.
Q Were you living in Cincinnati, Arkansas, when the Wallace roll was made? A Yes sir, I hadn't been there but a short time.
Q No, but you had your family there, and come over when the Wallace roll was made, you lived in Cincinnati, Arkansas when the Kern Clifton roll was made? A Yes sir.
Q And that was the reason was given you for not putting you on the roll, because you had abjured your citizenship? A They didn't tell me, they told me if I would pay them a big amount of money they would put me on the roll.
Q Mr. Kern and Mr. Clifton didn't tell you that? A No, but the others did; I always lived here and thought this was my home, I never knew anybody else.
Q You knew these people in Arkansas didn't you? A Yes sir, I ought to know them, I worked for them.
Q Who is there here that knows you have been married and about you having lived with your grandmother? A Dan Alberty.

DANIEL ALBERTY, being sworn and examined by Com'r Breckinridge, testified as follows:
Q Give me your name? A Daniel Alberty.
Q How old are you? A I am about 52 years old I guess.
Q What is your postoffice? A Tahlequah.
Q Do you live in Tahlequah District? A Yes sir.
Q How long have you lived in the Cherokee Nation? A Ever since I was born in there.
Q All your life? A Not altogether lived in the Cherokee Nation, in the Territory all my life.
Q How long have you been living continuously now in the Cherokee Nation? A You may say lived in the Cherokee Nation about 12 or 15 years.
Q Are you on the roll of 1880? A No sir, I don't think I is.
Q Do you know this applicant here? A Yes sir.
Q How long have you known her? A I have been knowing her ever since she was born.
Q What was the name of her mother? A Marthaalberty.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir, she was a slave under old man John Alberty.
Q Martha Alberty had been dead a long time hasn't she? A She died the year of the surrender I think. We was all together; I think that's about the year she died.
Q When her mother died who took charge of this applicant and brought her up? A Her grandmother.
Q What was her name? A Nicey Alberty.
Q Well, the applicant has been married has she? A Yes sir.
Q What is the name of the man she married? A John Ballard I think.
Q About how long ago was it she married John Ballard? A I really couldn't tell you how long it has been since she married John Ballard, simply because she married since she got grown, I suppose it has been about 16 or 18 years ago.
Q It has been a good long time ago? A Yes sir. I wasn't living near her when she got married, we were separated in '65 the spring of '65, the spring of '66 and her grandmother brought her back home and old man Alberty, that's my old boss' daddy, he fetched her and her grandmother and all back to the old place and left me in the Choctaw Nation with my people, my owners.
Q Have you known much about this woman since she married, have you been seeing her much? A Well for the last ten or fifteen years I reckon ten or twelve years I have seen her off and on.
Examined by Mr. Davenport:
Q You haven't been living very close to her since that time for any

length of time, within the last ten or fifteen years? A No sir.
Q You have been living at Tahlequah and she has been living in Cincinnati, Arkansas? A No she has been at Tahlequah best part of her time, about twelve years I have seen her around Tahlequah, part of the time she was there and part of the time off.
Q How long at one time have you seen her living in the town of Tahlequah within the last ten or fifteen years, how long at any one time have you known her living in or near Tahlequah within the last fifteen years? A I suppose she stayed there at a time three or four years I guess.
Q You have seen her there as much as three or four years? A I think I have.
Q As a matter of fact you don't know anything about it? A I think I does.
Q Don't you know she had not been living in Tahlequah this last time but about three months, don't you know she lived over in Cincinnati over in Arkansas since Christmas? A No, sir.
Q When did she move from over there? A I don't know, but she has been staying here way before the payment, and from that she went back in there up about Goingsmake or Cincinnati one or the other and there's one of her boys up here more or less, I saw her around Tahlequah there.
Q Great deal more or less than it was more wasn't it? A I don't know about that; but it was a common thing to see her.
Q You know she has not been living in Tahlequah any length of time? A No, I can't say that.
Q Do you live in Tahlequah? A Yes sir, right in the town.
Q Do you know Nelson Lowrey? A Yes sir.
Q You know Frank Pack? A I do.
Q You know W. W. Hastings? A Yes sir.
Q How long have they been living in Tahlequah? A Frank and Mr. Hastings have been living there 10 or 12 years.
Q You know exactly where they have been living, what house they have been living in? A Yes sir, living in their own houses.
Q Now what house has this woman been living in for the last three or four years? A She has been living in Thompson's house and a full-blood's house, and Sawyer's house and I don't know how many houses she has been living in.
Q In the last three years? A Lastten years, I couldn't say positively she has been altogether staying all this long time.
Q Can you say positively she has lived there six months at any one time? A Yes sir.
Q Can you say she has lived there as much as a year since the Wallace roll was made, at one time? A Yes sir.
Q When did you first go to Tahlequah to live? A That was I reckon about 12 years ago.

Applicant, JENNIE BALLARD, re-called, and further examined, by Com'r Breckinridge:
Q Whose house are you living in now at Tahlequah? A Chief Swimmer's, a full-blood's house.
Q You have been living in that house since last February?
A Yes, sir.
Q What house did you live in before you lived in Chief Swimmer's house? A Josie Shell's, by the ice factory, down on the Creek.
Q And you came to Tahlequah this last time since September? A Yes, sir, the 23rd.
Q And you have been living there since last Speptember? A Yes, sir, this time.

Com'r Breckinridge: The applicant applies for the enrollment of herself and four children, minors; the applicant is identified on the roll of 1880 and on the Wallace roll, but not

upon the Kern-Clifton roll or the roll of 1896; it appears that she was born in the Cherokee Nation, and was taken out of the Nation south during the war; and her mother died about the time of the conclusion of the war; that she and her mother were slaves in the Cherokee Nation of a Cherokee citizen at the time of the breaking out of the war, and that after the death of her mother she was brought up by her grandmother, now deceased; up to her enrollment in 1880 she seems to have lived continuously in the Cherokee Nation from the time of her return after the Civil War; since that time she has lived to a considerable extent in the State of Arkansas; she testified that at the time the Wallace roll was made upon which she is found, she was living in the State of Arkansas, and that at the time the Kern-Clifton roll was made, she was living in the State of Arkansas, although in one part of her testimony she claims to have come to the Cherokee Nation prior to the making of the Kern-Clifton roll and to have stayed some nine or ten months thereafter. Her change of name arising from marriage is established in a satisfactory manner; her husband, from whom she is now separated, is a state man, being of the State of Arkansas, and no application is made for him. The question in the applicant's case is as to whether she has abjured her citizenship since her enrollment in 1880. It will be observed that the testimony in regard to her residence given by the only witness called in her case, is directly contradicted in every essential particular by her own testimony, and it appears that her case should be considered upon the strength of her own testimony, upon which the foregoing summary of points has been made. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address.

As for her four children, the oldest of the four, Malcolm Ballard, is identified on the Wallace roll, but not upon the Kern-Clifton roll or upon the roll of 1896; this child is living with his mother at this time, and will now be listed for enrollment as a Cherokee Freedman on a doubtful card. The remaining three children named in the testimony are minors and are living at this time; they are not identified upon any roll; the applicant is desired to supply the Commission with a certificate of their birth, when they will be listed with her as Cherokee Freedmen on a doubtful card, and the final decision in each of these applications will be made known to the applicant at her postoffice address. This address is said to be now the town of Tahlequah, where she claims to have lived for the past nine months.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 19, 1901.

Signed, T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Jane Alberty for enrollment as a Cherokee Freedman.

Jane Alberty, being duly sworn and examined by Commissioner

Needles, testified as follows:

Q What is your name? A Jane Alberty.
Q What is your age? A 46 years.
Q What is your postoffice address? A Muskogee.
Q What district do you live in? A Going Snake when I live in the Cherokee Nation.
Q Well, when you live in the Cherokee Nation; you must live somewhere now? A I live in Muskogee now.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A Nobody but myself.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir, and drawed with them.
Q Is your name on any of the rolls of the Cherokee Nation? A On the 1880 roll and on the Wallace roll.
Q Are you married? A No, sir, not now.
Q Have you ever been married? A Yes, sir.
Q What was your name before you were married? A Alberty.
Q What was your name before you were married? A Alberty.
Q Your name always been Alberty? A Yes, sir, gone back to Alberty again.
Q What was your father's name? A Beck.
Q What was your mother's name? A Nicey Alberty.
Q What Beck? A Uncle Jeff Beck's son.
Q Was he a citizen? A Yes, sir, he was an Indian.
Q Was your mother a slave? A Yes, sir, she was a citizen, an old settler. Jennie Ballard claims my enrollment; my name and my mother's name and my brother's name and my daughter's name is together on the 1880 roll, it ought to be, Nicey and Jane and Jeff, and the Cherokees calls them by Buffington on the roll, and that is the name Jennie is trying to claim and it is 46 years old I am, it is on the roll that way, enrolled in Going Snake district, it is the only family there was there. She never was enrolled in 1880, she wasn't here in 1880, she never got back here in time only to get on the Wallace roll; she wasn't here in 1880.

Mr. Hastings: How old did you say you were? A I say it is on the roll 46 years of age.

Q I say how old are you? A I guess if they say my age I am 46.
Q That is what I am trying to find out; do you know how old you are? A Yes, I guess 46, said to be anyway, that is what I have always been told that.

Commissioner There appears to be a name on the roll of 1880, of Jane Alberty, who applied to be enrolled as Jane or Jennie Ballard, she averring that she was married to one John Ballard; do you know this person? A She is a niece of mine.
Q How old is she? A I don't know, I don't know what her age is.
Q Your mother's name you say was Nicey? is Nicey living? A No, sir.
Q Have you any children? A One.
Q What is the child's name? A Maude.
Q You apply to have her enrolled? A No, sir, she is going to attend to her own business; she is married and with a family; she will have to enroll for herself; she will soon be 23 years of age.
Q Do you know one Jeff Alberty? A Yes, sir.
Q What relation is he to you? A He is a nephew of mine.
Q Who was the mother of Jennie Ballard? A Martha Alberty, my sister, the oldest one.
Q Is Martha Alberty living? A No, sir, she is dead.
Q Was her name on the roll of 1880, do you know? A No, sir, I guess not, I don't think she was enrolled, she died time of the war.

Mr. Hastings: By what name did Jane Ballard go before she was married? AJennie Alberty I guess; her father was a Harrold.

Q Well, did she live with you? A No, sir, she didn't live with me.

Q Where did she live? A She stayed with my mother, her grandmother until she got big enough to work for herself, and then she hired out until she was married.

Q What was her grandmother's name? A Nicey Alberty.

Q That was your mother? A Yes, sir.

Q Did you live with your mother? A After I was big enough to work and attend to business for myself I didn't live with her.

Commissioner: Jeff Alberty isn't your brother? A He is her brother, a nephew of mine.

Mr. Hastings: Did this Jennie ever come back with you? A No, sir, she didn't come back with me.

Q After the war? A No, sir, I didn't come with my mother, I came with Mrs. Bettie Eaton.

Q You never lived with your mother after the war? A I lived with her a year or two years after the war; I always stayed at Mrs. Eaton's most of the time.

Q Were you living with your mother in 1880; you would be 26 or 7years of age? A In 1880 I was living with her.

Q You were? A Yes, I guess I was, I would go away and stay a while and come home and stay a while, I would stay with Mrs. Eaton and go home and I stayed with Mrs. Harrold a while, I didn't stay at home all the time because my mother had two or three children of her own and had two grandchildren, and she put me out when I was small because she couldn't take care of all of them.

Commissioner: You know who enrolled you in 1880? A I think Tuck Alberty and George Reese, if I am not mistaken, I don't know who has me enrolled, I think the old folks had me enrolled.

Q What old folks; was your mother enrolled in 1880? A Yes, sir, she was living; I don't know whether it was her or Mrs. Eaton had us enrolled.

Q You never went by any other name but Alberty until you married? A No, sir.

Q Never went by the name of Eaton? A No, sir, I didn't go by the name of Eaton.

Q Do you know Jane Eaton? A I think that is Zeb Eaton, she lives at Vian now.

Q Have you any witnesses know anything about you? A From my birth on up?

Q Who know whether you are the Jane Alberty that is on the roll of 1880? A I guess Mr. J. W. Alberty will know.

J. W. ALBERTY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What your name is J. W. Alberty? A Yes, sir.

Q What is your age? A I am 67 years old.

Q You are a Cherokee by blood? A Yes, sir.

Q What is your postoffice? A Westville.

Q Please relate now to the Commission what you may know as to Jane Alberty, the applicant there, and Jennie Alberty. A I will make a statement of the facts; in the spring of '66 my father came back here and made a crop and he brought her mother.

Q Whose mother? A Her mother.

Q The applicant's mother? A Yes; and them two children, that Jennie Ballard and Jeff, her grandchildren, he brought them back in the spring of '68, and she stayed back with my mother until we came here in November '68.

Q The applicant here? A Yes, she came here when we did in November, '68.

Q She has been living here since that time? A Well, she has been here I reckon about Gibson, she lived up there until after '80 neighbor to us.

Q Do you know Jennie, or Jane Ballard? A Well, she is the one I was telling you he went after in the spring of '66, but after she

stayed here a few days why she went to Harrolds and stayed and has been out ever since.

Q Where is Harrolds? A He lived in the state.

Q What state? A State of Arkansas.

Q That is Jennie Ballard? A That is Jennie Ballard, went to Harrolds and stayed there until she married.

Q And has been living there ever since? A Yes, sir.

Q That is in the State of Arkansas? A Yes, sir, and this one lived right there up until about '85 or '86, her mother died there I reckon must have been in '84, and then she came back down here.

Q Well, there appears to be on the 1880 roll one Jane Alberty.

A Well, this is the person.

Q The applicant is that person? A Yes, sir.

Q What makes you think that this woman, the applicant, is the Jane Alberty on the roll of 1880, instead of the Jane Alberty who is now married to one Ballard? A Well, this one lived right there by me, in about a quarter of a mile of me when the census of 1880 was taken, and the other one lived at George Gibson's in the state.

Q In the State of Arkansas? A Yes, sir, I know them both well because my mother raised them.

Q Well, did you know Nocey Alberty? A Yes, sir.

Q Who was she? A She was the mother of this one, and the grandmother of Jennie Ballard.

Q Do you know Jeff Alberty? A Yes, sir.

Q Who was he? A He was a brother of this Jennie Ballard, and their mother died on Red River, they were just children when we brought them back in '86; Jeff is dead, and he was born about the time of the war, he was called after the great man, Jeff Davis.

The 1880 authenticated roll of Cherokee Freedmen examined, and opposite the name of Nicey, Jane and Jeff Alberty on said roll appears following note; "Adopted by treaty of 1866. Afterwards removed out and is back in Nation and claims that she lived here first when she went out of the Nation;" Going Snake district, page 403.

A There are two more of the same family down here somewhere, there is Bell West, and then he has got a sister that was married to Tom Waite, they were all brought back at the same time, we brought them back.

Q That a sister of this applicant? A Yes, sir, a sister and a brother, they call themselves though West; Millie is married a darkey by the name of Tom Waite, and they have been writing to me.

Q Thisapplicant was never known by any other name than Alberty?

A No, sir.

Q She was never known by the name of West?, A No, sir; these taken their name from their father.

Q Well, your opinion is that the Jennie Ballard who claims to be on the roll as Jane Alberty couldn't have been correct, she wasn't ~~living~~ entitled, in your opinion, to be enrolled in 1880? A No, she was living out of the state, there was another that married in the state and she don't appear on any roll, she never made any application at all, of the same family; two went out in the state.

Mr. Hastings: You know this woman lived in the Cherokee Nation continuously after her return up until 1880? A Well, I guess so, I have never seen her since she left there until this time.

Q I mean up to 1880? A Oh yes, she lived there, they had a little house and she worked backwards and forwards like people did for something to eat, she worked over in the state a month or so and back again, her mother lived right there and she lived with her; of course they had to work for something to eat.

Q How about Jennie Ballard? A She never stayed on this side at all.

Q How long after she returned after the war until she went over in the state; Jennie Ballard? A Well, it was only about two or

three weeks after we returned here; now she returned in the spring.
Q I mean after the fall? A Yes, after the fall.
Q Well, in the fall of '80 she went over in Arkansas? A Yes, sir.
Q And she has lived there ever since? A Ever since, yes, sir.
Q She married over there? A Yes, she married this John Ballard over there and has been living there, first one place and another.
Q Well, you have known her ever since? A Known her, oh yes, I have known her ever since.
Q How far do you live from Cincinnati? A About four miles.
Q You live on this side? A Yes; what bothers us, we always called her Jean, and it is down there different.

The 1880 authenticated roll of Cherokee Freedmen examined and the name of Jane Alberty found thereon, page 405, No. 23, Going Snake district.

The 1896 census roll of Cherokee Freedmen examined and the name of Jane Alberty not found thereon.

JANE ALBERTY, recalled, testified as follows:

Mr. Hastings: Did you enroll five years ago? A I was enrolled here five years ago.

Commissioner: Did you draw your strip money? A I guess I did, I was enrolled.

Q Did you draw your strip money? A No, sir.
Q Why? A This woman came between us and claimed the money and they said they wouldn't pay it to either one; they investigated and said they wouldn't pay it to either one until it was settled, and that gentleman said I would have to find someone who knew me from my birth, and I was going to write him back, and they said it was no use, they wouldn't pay it to either one; they said I would have to write to the Secretary of the Interior.
Q What did the Secretary of the Interior write to you? A He wrote me to present it to the Dawes Commissioners and when I presented the returns I would present the letter.
Q Wanted you to appear before the Dawes Commission? A Yes, sir, and I never did it.
Q Have you any other witnesses besides Mr. Alberty here? A No, sir.

Mr. Hastings: Was Maude married in 1896? A Maude was married in 1895.

Commissioner: Did she get any strip money? A She has got two children.

Q Did she get her strip money? A No, sir, she didn't get any strip money.
Q Did she ever apply here to be enrolled here? A No, sir, she said she was going to apply to the Council to withdraw from the Cherokee Nation, she hasn't been before them and said she wasn't coming.

The Kern-Clifton roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw what is known as the Wallace money? A Yes, sir.
Q Is your name on the Wallace roll? A Yes, sir, I draw the Wallace money.

The Wallace roll examined and the applicant identified thereon page 52, No. 683, Going Snake district.

Q You are living now in Muskogee in the Creek Nation? A Yes, sir.
Q How long have you lived there? A 10 years, that is the longest I have lived out of the Cherokee Nation since I came back.
Q Are you married? A No, sir.
Q Have you any property in the Cherokee Nation? A No, sir, I haven't none this time, that is improved.
Q Why do you live in Muskogee instead of the Cherokee Nation? A I had to make a living, and I thought I had just as well work there; I work for Mr. Blackstone in Muskogee.

Commissioner: Jane Alberty applies for the enrollment of herself. She avers that her name appears upon the authenticated roll of 1880, and on said roll is found the name of Jane Alberty according to page and number of the roll as indicated in the testimony. Her name is also found and she is fully identified upon the Wallace roll, according to page and number of the roll as indicated in the testimony. She avers that she was a slave, and returned to the Cherokee Nation in the year 1866, and has lived in the Cherokee Nation until about ten years ago, and that she now resides in Muskogee in the Creek Nation. Upon an examination of the records of the Commission, it is found that one Jennie Ballard applied to be enrolled as a Cherokee Freedman, and claimed that her name before her marriage was Jennie Alberty, and that she was the identical Jane Alberty found upon the said roll under the same name and number on the roll as the applicant. There appears to be a question of identity as to whether the applicant, Jane Alberty, or Jennie Ballard, nee Alberty, is the person whose name appears upon the authenticated roll of 1880. From the testimony it would appear that the applicant is the identical person, and if so, the only question as to her enrollment would be the matter of residence. The evidence presented to-day would indicate that the Jennie Ballard, nee Alberty, who applied for enrollment and has been listed on D card 659, is a non resident, and has no rights to citizenship for herself or her four children. The testimony taken in the matter of the present application will be made part of the record in the case of the applicant, Jennie Ballard, and her four children, on D card 659, and will be filed therewith. The testimony taken in the matter of the application of Jennie Ballard on D card 659 will be made part of the record in the case at bar, and a copy thereof filed herewith. The said Jane Alberty will be listed for enrollment as a Cherokee Freedman upon a doubtful card, for the further consideration of the Commission. It appears that the only fact to be determined by the Commission is as to the identity of the applicant, which now appears to be fully established.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 6th of September, 1901.

(Seal)

Signed, M. D. Green, N. P.

- -

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 16, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jennie Ballard as a Cherokee Freedman:

Appearances:

Applicant present in person and by Agent, Louis T. Brown:
W. W. Hastings, present for Cherokee Nation.

Mr. Hastings: Comes now the representative of the Cherokee Nation and protests against the taking of the testimony of the applicant, Jennie Ballard, for the reason that she took

the stand in her own case when her application was made and every point was gone into thoroughly in her case and no new points were brought out by the Cherokee Nation in the testimony introduced in the Jane Alberty case and made a part of the record in her case, and therefore it is not competent to introduce any rebuttal testimony except where new points have been brought out, and then rebuttal testimony must be confined to the new point brought out by the defendant.

Commissioner Needles: Objection overruled and testimony will be taken.

JANE BALLARD, being duly sworn by Commissioner Needles, testified as follows: By Mr. Brown:

Q State your name? A Jane Ballard.
Q What is your age? A I don't know my age.
Q What is your residence? A Tahlequah.
Q What was your name before you married? A Jane Alberty.
Q Your grandmother's name? A Nicey Alberty.
Q What was your brother's name? A Jeff Alberty.
Q Do you remember when the 1880 roll was made? A Yes, sir.
Q Where were you living at that time? A Near Jack Alberty's in a little cabin.
Q In what district? A Goingsnake.
Q Cherokee Nation? A Yes, sir.
Q Did the census takers come to your house or not? A Yes, sir.
Q Did they enroll you? A Yes, sir.
Q With whom? A My grandmother and my brother.
Q What did you say your brother's name was? A Jeff Alberty.
Q With whom did you live Mrs. Ballard, from the time you returned here until you married?

Mr. Hastings: Question objected to by representative of the Cherokee Nation upon the ground that the Agent for the applicant explained to the Commission that it was not the residence but identification upon the 1880 roll was which he desired to introduce the applicant; and that the question of residence was thoroughly gone into when the applicant made her original application, and that this is certainly not rebuttal testimony against any new matter brought out by the Cherokee Nation.

Commissioner Needles: This matter of her residence has been all gone into; we have got her testimony on that.

Q When you applied to be enrolled by Mr. Wallace who was your witnesses? A Jack Alberty, Silas Harlan, you will find it on record.
Q Do you know a woman who is now going by the name of Jane Alberty and who claims to be an aunt of yours? A Yes, sir, I do.
Q How long have you known her? A Ever since I could remember I have known my aunt.
Q I will ask you to state whether or not she has ever gone by the name of Jane Alberty? A Not that I know of.
Q You have known her all her life? A Gene was always her name.
Mr. Hastings: Who took the census in 1880? A Tuck Alberty and George Reese.
Q What time of the year was it they enrolled you? A I don't remember I think it was in the spring, as well as I can remember.
Q Were you married then? A No, sir, I married shortly afterwards.
Q What time of the day did they come to your house? A I think, it was right about noon as well as I remember.
Q Is there any circumstance by which you remember the fact that they came to your house? A Yes, sir, I do; my brother was working out and my grandmother notified him to come home and be enrolled; he was working about a mile and a half from home; she wanted to enroll him, he and I.
Q Did she notify you? A I was at home.
Q Where was your aunt Gene? A I don't know, sir, perhaps she

might have been at home and perhaps she might have been gone.
Q You don't remember that? A It seems to me that she was there, I don't remember.
Q Where were you when they took the census in '83? A I don't know that; I guess I was in the Creek Nation.
Q Did you know who took them in '83? A No, sir, I don't.
Q Who took the census in '90? A I don't know that either.
Q Who took them in '91? A I don't know that, sir.
Q Who took them in '93? A I don't know that.
Q You don't know what time in the year, you are not positive what time of the year, these gentlemen took them in 1880? A No, sir, I think it was in the spring of the year though.
Q Do you remember any question they asked your grandmother?
A Yes, sir, they took our names and ages.
Q Jeff come back to the house did he? A Yes, sir, and was enrolled
Q And you think Tuck Alberty was one of them? A Yes, sir.
Q What relation is Tuck Alberty to this man Jack Alberty? A His nephew.
Q How far from Jack Alberty were you living at that time?
A Quarter of a mile.
Q And that is the same man that testified? A Yes, sir.
Com'r Needles: You say your name is Jane Ballard? A Yes, sir.
Q You give your name in when you enrolled as Jennie Ballard?
A That is my name.
Q Your name is Jane? A Jane; great many calls me Jennie and great many calls me Jane.
Q Did you ever call yourself Jennie? A Yes, sir, sometimes I do; Mr. Alberty testified and had me enrolled on the Wallace roll after my grandmother died; just whatever he give my age that is my age. I never enrolled myself until '96. He testified for me after my grandmother's death.
Q Are you the same person that was enrolled as Jennie Ballard on the 10th day of June, 1901, at Chelsea? A Yes, sir.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this September 16th, 1901.
(Seal) Signed, M. P. Green, N. P.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jane Alberty as a Cherokee Freedman:

Appearances:
Applicant present by Louis T. Brown, Agent;
W. W. Hastings, attorney for Cherokee Nation:

J. W. ALBERTY, recalled for additional cross-examination, being duly sworn by Commissioner Needles, testified as follows:
By Mr. Brown: State your name, Mr. Alberty? A J. W. Alberty.
Q Your age? A 67 years old.
Q What is your residence? A Sohngmake District, Westville, I.T., postoffice.
Q You are the same J. W. Alberty that testified in the Jane Alberty case the other day? A Yes, sir.

Q Mr. Alberty, in your testimony you testified that Jennie Ballard came back to the Cherokee Nation in the year 1866 and left there a few weeks afterwards and has never lived in the Cherokee Nation since?
A No, she never has been a citizen of the Cherokee Nation since.
Q Well, now, has she ever lived in the Cherokee Nation since?
A Well, no, not of my recollection.
Q When did you see her after she left Goingsnake District in 1866 the next time? A I saw her frequently, she just lived over across the line at Heralds and Gibson's.
Q How long did she continue to live up in that neighborhood after 1866? A She lived up there until she married.
Q About how long is that? A I could not exactly state; she lived there ever since only for a short time she went to Okmulgee and stayed out there a while and she is still living there the last time I knew of her, she lived there.
Q How long has it been since you knew of her last? A I haven't saw her for 12 months or over.
Q Then she has continued to live in the neighborhood of George Gibson and Heralds from 1866? A No, sir, she went to Cincinnati and lived there a short space xx of while and went to Okmulgee.
Q Then you knew of her whereabouts from 1866 until about 12 months ago? A Well, yes.
Q And you are positive of your statement that she has not lived in the Cherokee Nation since that time? A Yes, sir.
Q You are just as positive about that as other matter you have testified to? A Yes, sir.
Q Did Jane Alberty ever have a brother by the name of Jeff?
A Yes, sir.
Q Jennie Ballard have a brother? A She was Jane Alberty, the other one was Gene Alberty; she was Jane Alberty and the other one was Gene, we called her Gene, she has no brother except that fellow that was in here the other day, Bill.
Q Then she didn't have a brother by the name of Jeff? A No, sir.
Q Was Jane, or Gene Alberty, ever married? A No, sir.
Q Never was? A No.
Q Now, then, did Jane Alberty, or Gene Alberty, as you call her, continue to live with a grandmother, Nicey Alberty? A No, didn't give it that way, she lived with her mother; Nicey Alberty was her mother.
Q They were living in the Cherokee Nation all the time? A Well, no, they didn't live all the time; they had a little house, residence, close to mine; they worked out some, sometimes in the State and sometimes in the Nation, the bigger part of the time in the Nation; they kept a little house there.
Q Now then, when Jennie Ballard was working for George Gibson where was Nicey Alberty? A She lived in a little house right there by me.
Q Mr. Alberty, do you remember the circumstance of the making of a roll of Freedmen by Mr. J. W. Wallace? A Yes, sir.
Q I will ask you to state if you were not a witness at that time for Jennie Ballard? A I was not.
Q And if you didn't testify in that matter of her application before Mr. Wallace that Jennie Ballard was living within a mile or a mile and a half of your residence in Goingsnake district?
A No, sir, I didn't; it was in a mile or mile and a half of my residence but she was in the State.
Q Don't you know as a matter of fact that Jennie Ballard lived with her grandmother, Nicey Alberty, up to within a year or two before she was married? A No, sir.
Q They built a little house up there somewhere? A Yes, sir.
Q In what year was that? A I could not exactly tell, it was along about '67 or '70; it might have been up as near as '71 or '2 though; they asked my permission to build upthere and I granted it.
Q Where was Jennie Ballard then? A She was at Mr. Gibson's.
Q Didn't she help build that house? A No, sir.

Q She didn't? A No, sir.
Q About what time did Jane Alberty leave Goingsnake district?
A Jane Alberty or Gene?
Q Yes, sir? A She must have left there in about '86 or '8.
Q From the time she left there in '86 did you see her any more until this other day? A I saw her once after that at Tahlequah?
Q You didn't know where she had lived from '86 up to the present date? A No, sir; her statement will show that.
Q Did the Jane Alberty for whom you testified the other day ever go by that name until she came here to be enrolled? A Well, she always went by Gene; we called her Gene, and she went by that ever since she was a child.
Q Was name did Jennie Ballard ever go by? A Jennie.
Q Was she ever called Jane? A No, sir.
Q You are positive of that? A Yes, sir.
Q So you state now that you didn't testify for Jennie Ballard before Mr. Wallace? A No, sir, I did not.
Q Mr. Alberty, didn't the grandmother of Jennie Ballard here, who was named Micey Alberty, have a little house ~~on~~ close to Mr. Gibson's?
A She stayed in a little house there close to Gibson's a while.
Q About how long? A I could not tell how long; she stayed there but all the while she had that little house by me.
Q Where was Jane Alberty then? A She was part of the time with my sister, Mrs. Eaton.
Q In the Cherokee Nation? A Yes, sir.
Q Where was she the other time? A She worked part of the time in the Nation and part of thetime in Arkansas.
Q But she worked more of the time in Arkansas than she did in the Nation? A No, sir, I don't know.
Q Now where is this George Gibson's house with reference to the line?
Mr. Hastings: About how far east of the line? A About 50 steps.
Mr. Brown: Isn't it a fact that the line runs across the porch?
A No, sir, it is just outside the fence.
Q Then, you are satisfied that since the return of Jennie Ballard in 1866 up until 12 months ago, she has never lived in the Cherokee Nation? A She never made her home in the Cherokee Nation.
Q Well, has she or has she not lived in the Cherokee Nation since?
A Well, not of my knowledge.
Q Well, you stated positively the other day that she hadn't lived in the Nation? A Well, I don't know that she ever did; she never had a residence in the Cherokee Nation.
Q Well, do you know that she didn't? A Well, if she did I never knew it.

J. O. Mosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Mosson.
Subscribed and sworn to before me this September 16th, 1901.
Signed, T. B. Needles,
~~Commissioner.~~

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he copied the foregoing, and that the same is a true copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me, this ~~the~~ 11th of November, 1901.

Commissioner.

N.J.S

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Alberty et al., as Cherokee Freedmen, consolidating the applications of :

Jane Alberty	Cherokee Freedmen D 1034
Maud Garrett	Cherokee Freedmen D 1170
Jennie Ballard et al.,	Cherokee Free dmen D 659
Lena Hanks	Cherokee Freedmen D 1046

D E C I S I O N.

The record herin shows that applications for enrollment as Cherokee freedmen, were made to this Commission by, Jane Alberty for herself; by Emmet Starr for Maud Buffington, now Maud Garrett; by Jennie Ballard for herself and her minor children, Malcolm , Jeff, Spivey and Anna Ballard; by Lena Hanks for herself;.

The evidence shows that Jane Alberty and Maud Garrett are Cherokee freedmen, and are identified on the Cherokee authenticated roll of 1880; that Jennie Ballard was the slave of a Cherokee citizen at the commencement of the rebellion and was removed from the Cherokee Nation during said rebellion, but was brought back to said nation within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee , etc., vs. Cherokee Nation et al., for the return of Freedmen to the Cherokee Nation; that Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks are her children, born after 1866.

The evidence further shows that Jane Alberty has lived in the Cherokee Nation and Indian Territory continuously since her enrollment in 1880; that Maud Garrett, since her enrollment in 1880, has lived in the Cherokee Nation and Indian Territory continuously, with the exception of six months in 1890, when she was attending school in Kansas; that Jennie Ballard, since her return to the Cherokee Nation as hereinbefore shown, has been absent from the Cherokee Nation and Indian Territory, but that such absences were not of a permanent nature and she did not become a citizen of any

other government through or during her said absences. Her minor children, deriving their rights through their said mother, their residence in the Cherokee Nation and Indian Territory is considered as being established therein; that Lena Hanks, the adult daughter of Jennie Ballard, was born in the Cherokee Nation, and her only residence aside and apart from said Nation and Indian Territory, was during her mother's guardianship when she lived with her said mother, who was a temporary resident of the State of Arkansas, and her mother's residence, as hereinbefore shown, extends to her daughter, Lena Hanks.

It is further shown that said Lena Hanks was born in 1881 and was married in 1897, since which latter time she has been a continuous resident of the Cherokee Nation and Indian Territory.

It is, therefore, the opinion of this Commission that Jane Alberty, Maud Garrett, Jennie Ballard, Malcolm Ballard, Jeff Ballard, Spivey Ballard, Anna Ballard and Lena Hanks should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Signed Tams Bixby,
Chairman.

Signed T. B. Needles,
Commissioner.

Signed C. R. Breckinridge
Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this Apr. 20 1904

Filed

MAR

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-1034 et al.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Jane Alberty et al., granting the applications for the enrollment of Jane Alberty, Maud Garrett, Jennie, Malcolm, Jeff, Spivey and Anna Ballard and Lena Hanks as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-24.

Chairman.

Cherokee Freedmen
D-1046.

Muskogee, Indian Territory, May 19, 1904.

Lena Hanks,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

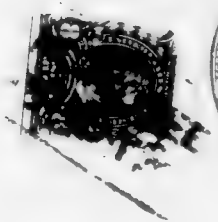
Respectfully,

Register

Commissioner in Charge.

Enc. D-53.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





REGISTERED

Cher Fr 1347
See Cher Fr 1194

Cher Fr 1347

Mattie Lum, et al.--3.

I. O. Bogan, being first duly sworn, states that he stenographically reported the testimony and proceedings in the above-entitled cause, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 20th day of September, 1937.

Commissioner.

NOV 8 1937

1801 ff 1081.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 17th, 1901.

In the matter of the application of Mattie Vann for the enrollment of herself and three children; said Vann being sworn and examined by Commissioner Needles, testified as follows:

APPEARANCES:
Mr. L. T. Brown, Agent for applicant;
Mr. Bell, of Counsel for Cherokee Nation.

Q What is your name? A Mattie Vann.
Q How old are you? A 21 years old.
Q What is your post office address? A Wagoner.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a CherokeeFreedman? A Yes, sir.
Q Do you you want to enroll anybody besides yourself; have you got any children? A Yes, sir.
Q How many children? A Three.
Q Give me the names of your children? A Eli Vann.
Q How old is Eli? A Four yearsold.
Q The nest one? A Ora.
Q How old is Ora? A Three.
Q The next one? A Jennie.
Q How old is Jennie? A Six months old.
Q Are you marri ed? A Yes, sir.
Q What is your husband's name? A Jackson Vann.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Did he apply for you at the time he applied for himself?
A No, sir, not this last time.
Q I say has your husband been enrolledby the Commission, do you know? A No, sir, ain't this last time.
Q Why? A He ain't her.
Q Are you and he living together? A No, sir.
Q What is your father's name? A Zack Foreman.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Nan Franklin.
Q Is she living? A Yes, sir.
Q Have you ever been recognizedby the Cherokee authorities as a Cherokee Freedman A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir, it has been.
Q Well, what roll is your name on, on the 5oll of 1880?
(No response.)
Q What was your name before you were married? A Mattie Foreman.

1880 Authenticated roll of Cherokeefreedmen examined and applicant's name not found thereon.

1896 census roll of Cherokee Freedmen examined and applicant's name found thereon, page 405, #211, Mattie Foreman, Cooweescoowee district.

Q Did you draw strip money? A No, sir.
Q Did you draw Wallace money? A Yes, sir.

Wallace roll of Cherokee Freedmen examined and applicant's name found thereon, page 105, #2246, Mattie Foreman, Cooweescoowee district, 10 years of age.

Q Where were you born? A In Cooweescoowee.
Q You say you were born in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir, right in the Cherokee Nation.

1880 Authenticated roll of Cherokee freedman examined and name of applicant's father found thereon, page 696, #487, Zack Foreman, Sequoyah district.

Q You say your mother's name was Nan Franklin? A Yes, sir.
Q Was that her name in 1880? (No response.)
Q Did she ever have any other name besides Franklin? A No, sir; not as I know of.

Q Are these children all living at this time? A Yes, sir.
MR. BROWN: What was your mother's name, before she marri ed Franklin? A I don't know, sir.
COM'R NEEDLES: When were you married to Jackson Vann?
A I don't know exactly about what year.
Q Do you know how long ago it was? A It was about five year s ago.
Q You say you and he was living together now? A No, sir. Not now; he is in Muskogee jail.

In the testimohy taken in the application of Ann Franklin for the enrollment of herself, she testified that her first husband's name was Sanders, and her second husband Vann and her third husband was Monroe Franklin.

Q Did you ever know what your mother's maiden name was? A No, sir.

1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant's averred mother found thereon, page 703, #681, Nannie Johnson, Sequoyah district.

MR. BELL: Well, how does it happen that you don't know anything about your mother; you don't seem to know her name or anything about it? A No more than what I can hear, I was given away when I was small.
Q Who raisedyou? A Polly Ballard.
Q Whereabouts? A Grand river.
Q Where did you live? A Lived on Grand river.
Q Well, who was your neighbors? A Mrs. Rogers.
Q Well, who else? A Mrs. Alberty's folks.
Q Now, what Rogers was that? A Esther Rogers.
Q What Alberties? A Jerry Alberty.
Q Whereabouts on Grand river was that you lived? A Down here on Flat Rock.
Q Flat rock Creek? A Yes, sir.
Q Wel , you didn't live on Grand river, you lived on Flat rock creek
A It was about as far from one place to the other.
Q Did you ever see your mother? A Yes, sir, I saw her once.
Q You haven't seen her since you were small? A No, sir, I haven't seen her since I was small.
Q You don't know anything then about her? A No, sir.
Q What is your father's name? A Zack Foreman.
Q Was he and your mother married? A I don't know sir.
Q Don't know anything about that? A No, sir, whether they were married or not, they might have been.
Q How come them to give you away? A Why these folks didn't have no children and they wanted me.
Q Zack Foreman was a man in good circumstances it looks like he ought to have taken care of his child? A (no response.)
Q Did he ever recognize you? A Yes, sir.
Q By giving you away? (No response.)
MR.COM'R NEEDLES: Did you ever have any brothers? A Yes, sir, I have got one brother.
Q Do you know his name? A I don't remember his name now.
MR. BELL: Have you lived here in the Cherokee Nation alwas?
A Yes, sir.
Q Never have been out of it? A No, sir.
Q Now a single time? A No, sir.

DENNIS BEAN, being duly sworn by Commissioner Needles, testified as follows, on part of applicants:
MR. BROWN: State your name? A Dennis Bean.
Q What is your age? A About 42 or 3 .
Q What is your post office? A Muldrow.

Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicant here, Mattie Vann? A Yes, sir.
Q what relation i s she to you? A She is a niece of mine.
Q What was her father's name? A Zack Foreman.
Q What was her mother's name? A Nan Sanders.
Q Do you know whether both of their names appear upon the authenticated roll of 1880? A Yes, sir, their names is there.
Q Where was Mattie Vann born? A She was born in Sequoyah.
Q Where has she lived ever since then? A Well Nan give her away to Aunt Polly Ann when they lived up here on Grand river above George Steel when the child was small.
Q well, has she lived in the Cherokee Nation all her life?
A Yes, sir, I guess so, Aunt Polly raised her up there on Flat rock creek.
Q Well, now, her mother is your sister? A Yes, sir.
Q What is her mother's present name. A Her name is Nan Franklin now.
Q Is she known by any other name? A Yes, shr is known Nan Sanders and some of them calls her Nan Johnson.

MR. BELL: You don't know whether she has lived in the Nation all the time or not, do you, Dennis; you haven't kept up with her? A I say Nan give her to Uncle Abe when they lived up here on Grand river, and I haven't known her to be out of the Nation.
Q I didn't ask you if you knew her to be out of the Nation; I asmed you if you knew certainly of her being here in the Cherokee Nation all the time? A She has been here on grand river all the ti me to my knowledge.
Q You haven't saw her these 20 years she has been given away?
A Well, I have seen her some three or four years, time and again since Nan give her to Uncle Abe and Aunt Polly.
Q Seen her three or four times? A Yes, sir.
Q I don't understand you; I asked you if you had the run of her and knew her all the time; you said she was a small child?
A Yes, sir.
Q All I wanted to know was if you knew that she had been up there all the time? A Every time I would see her she would be up there at uncle Abe's.
Q Could you name one time you were there one time and seen her?
A Well, I think it was in '84 I think, or '85, I were there.
Q Where was that at? A Here on Grand river.
Q Well, where outs on Grand river? A Up here on Grand river.
Q Grand river is about a hundred miles long in the Cherokee Nation?
A Above George Steels.
Q On which side of the river? A He lived on this side then.
Q Is George Steel a white man or Indian or Negro? A He is an Indian.
Q About how large was she when you seen her in 1880? A She was about, looked that high (Indicating.)
Q Was Zack Foreman and this Nan Franklin ever married? A Not as I know of.

COM'R KEEDLES: Do you know this girl, this applicant, to be the child of Nan Sanders? A Yes, sir, I do.
Q Did you see her when the war young? A Yes, sir.
Q Did you see her nurse upon Nan Sanders? A Yes, sir.
Q Did Nan Sanders have any other children? A Yes, sir.
Q How many? A Two others.
Q What were their names? A One was named ~~Andrew~~ Andrew, he was older than Sam.
Q And Sam? A Yes, sir.
Q Are they living? A Andrew is dead, he di ed when he was small/
Q Is Sam living? A Yes, sir.
Q Where is he living? A He is living down there in Sequoyah, about a half mile from where I live.

Q Did she have any other children? A Nan had Mattie.
Q Did she always live in the Cherokee Nation? A Yes, sir.
Q She did? A Yes, sir
Q Never lived out of it? A She worked out, she never did live out.
Q Worked out? A Yes, sir.
Q Who do you say Nan Sanders give this applicant to? A Aunt of ours.
Q What is her name? A Polly Ballard.
Q Is she a colored woman? A Yes, sir.
Q Cherokee Freedman? A Oh, yes.
Q Is she living? A No, sir.
Q This applicant's mother is living is she? A Yes, sir.
Q Where? A She is living down in SequoyH.
MR. BELL: When was this applicant born? A She was born in '81, I think.
Q She was born in '81? A I think, she was I ain't certain.
Q Well, satisfy yourself about it befre you get through. A I don't know I think though it was in '81, it might have been i n '80.
Q Well, at the time this applicant was born were you acquainted with Zack Foreman? A Yes, sir.
Q The man you say is her father? A Yes, sir.
Q How long had you known him at that time? A Oh, I don't know, about ten or 12 years.
Q Did he have a wife and family at that time? A No, sir.
Q He was a young man was he? A I don't know about that. he didn't have no wife I know that.
Q You didn't know anything about his wife? A No, si r.
Q You had known him ten or 12 years? A Yes, sir.
COM'R NEEDLES: Who was Nan Sanders married to when this applicant was born, Mattie Vann? A She was not married to anyone, after this child was born then she married Dixey Vann.
Q And then who did she marry after Dixon Vann? A FredFranklin.
Q Dixey Vann was her first husband? A No, sir, Sam Sanders was her first husband.
Q Was Sam Sanders living when this girl was born? A No, sir.
Q He was dead? A Yes, sir.
Q She was a widow then was she? A Oh, yes.
Q She was a widow then when Mattie Vann was born? A Yes, sir.
Q You don't know who then the father of Mattie Vann is?
A Only what Nan says.
Q Nan says it is Zack Foreman? A Yes, sir.
Q What did Zack Foreman say about it? A He said it was his.

COM'R NEEDLES: Mattie Vann applies for the enrollment of herself and three children, Eli, Ora and Jennie. She cannot be identified upon the authenticated roll of 1880 but is identified upon the census roll of 1896 and upon the Wallace roll according to the page and number of the rolls as indicated in the testimony. She avers that she is the child of NAnnie Franklin and at the time of her birth her mother's name was Nan Sanders, and the name of Nan Sandrs is duly identified upon the authenticated roll of 1880 as Nannie Johnson, being avereed that that is her maiden name. The names of her three children are found upon no rolls, having been born after the rolls were compiled, and it will be necessary for her to file satisfactory proof of the birth of said children. Reference is made to the testimony taken in the matter of the enrollment of her mother, Annie Franklin, who was li sted for enrollment on Freedman doubtful card #78; said testimony will be made a part of the record in the case at bar. Awaiting further consideration as to the identity of the same Mattie, child of the said Annie Franklin, she and her three children will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Mattie Vann, et al.--6.

M. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. O. Rosson

Subscribed and sworn to before me this October 25th, 1901.

Commissioner.

FILED
OCT 17 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct. 17, 1901.

Post Office Wagoner, I. T.

District Cooweescoowee.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. 2. Name of wife Mattie Nann Age 21.

Owners name ..... Citizenship .....

Year 1896 Page 405 No. 211 District Coo.

Parents:

Father Jack Foreman Citizenship Cooweescoowee

Mother Nan Franklyn Citizenship "

Names of Children:

2. ~~3.~~ Eli Nann Year ..... Page ..... No. ..... Dist. 4

3. ~~4.~~ Ora " Year ..... Page ..... No. ..... Dist. 3

4. ~~5.~~ Jennie " Year ..... Page ..... No. ..... Dist. 6 mo

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by No 1 Stenographer J. C. Rosson

No 1 on 1896 Roll as Mattie Foreman

No 1 on Final Roll Jr. 105, No. 2246 as Mattie Foreman, Coo.

No 2 - 3 and 4 Birth certs required

X Ref D 78

Applicants represented by Agent Lewis J. Brown

CHEROKEE FREEDMAN

20/1081

IN RE

Application for Enrollment of

INFANT CHILD

Eli Vann

as a citizen of

Cherokee Nation.

OCT 19 1901

Approved, 190

Commissioner.

RECEIVED
OCT 19 1901

4 years

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Eli Vann, born on the 10 day of February, 1897.
(Here insert name of child)

Name of Father: Jackson Vann, a citizen of the Cherokee Nation.

Name of Mother: Mattie Vann, a citizen of the Cherokee Nation.

Post-office, Wagoner, Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Mattie Vann, on oath state that I am 21 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Jackson Vann, who is a citizen, by adoption of the Cherokee Nation, that a male (male or female) child was born to me on the 10 day of February 1897; that said child has been named Eli Vann, and is now living.

Mattie Vann

WITNESSED TO MARK

(Must be Two Witnesses) }

Subscribed and sworn to before me this 17 *day of* Oct" 1901.

Louis T. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Abraham Ballard, on oath state that I attended on Mrs. Mattie Vann, wife of Jackson Vann on the 10 day of February, 1897, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Eli Vann.

Abraham his X mark Ballard

WITNESSED TO MARK

(Must be Two Witnesses) } W. M. Vann
Edward Lynch

Subscribed and sworn to before me this 17 *day of* Oct" 1901.

Louis T. Brown
NOTARY PUBLIC

CHEROKEE FREEDMAN. AD 1081

20

IN RE

Application for Enrollment of

INFANT CHILD

Jennie Vann

as a citizen of

Cherokee Nation.

OCT 19 1901

Approved, 190

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

OCT 19 1901

BIRTH AFFIDAVIT. 1 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Jennie Vann, born on the 1 day of July, 1901.
Here insert name of child

Name of Father: Jackson Vann, a citizen of the Cherokee Nation.

Name of Mother: Mattie Vann, a citizen of the Cherokee Nation.

Post-office. Wagoner I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mattie Vann, on oath state that I am 21 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Jackson Vann, who is a citizen, by adoption of the Cherokee Nation, that a female child was born to me on the 1 day of July 1901 that said child has been named Jennie Vann, and is now living.

Mattie Vann

WITNESSED TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 15 *day of* October *1901.*

Louis T Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Abraham Ballard, on oath state that I attended on Mrs. Mattie Vann, wife of Jackson Vann on the 1 day of July, 1901 that there was born to her on said date a female child; that said child is now living and is said to have been named Jennie Vann

Abraham his X mark Ballard

WITNESSED TO MARK

(Must be Two Witnesses) W M Jarrard
Edward L Funk

Subscribed and sworn to before me this 1st *day of* Oct. *1901.*

Louis T Brown
NOTARY PUBLIC

E 10189

CHEROKEE FREEDMAN.

IN RE

Application for Enrollment of

INFANT CHILD

Ora Vann

as a citizen of

Cherokee Nation

OCT 19 1901

Approved, 190

Commissioner.

Copy

FILED
OCT 19 1901

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation.

of Ora Vann (Here insert name of child), born on the 1 day of April, 1898

Name of Father: Jackson Vann, a citizen of the Cherokee Nation.

Name of Mother: Mattie Vann, a citizen of the Cherokee Nation.

Post-office. Hagoner, IT.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA. (INDIAN TERRITORY.) Northern District.

I, Mattie Vann, on oath state that I am 31 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Eli Vann, who is a citizen, by adoption, of the Cherokee Nation, that a female (male or female) child was born to me on the 1 day of April 1898; that said child has been named Ora Vann, and is now living.

Mattie Vann

WITNESSED TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 17 day of October 1901.

Louis J Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA. (INDIAN TERRITORY.) Northern District.

I, Abraham Ballard, on oath state that I attended on Mrs. Mattie Vann, wife of Jackson Vann on the 1 day of April, 1898, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Ora Vann

Abraham his X mark Ballard

WITNESSED TO MARK

(Must be Two Witnesses)

Edward [illegible]

Subscribed and sworn to before me this 1st day of October 1901.

Louis T. Brown
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

To be filed in C.T.B.1061, Mattie Vann.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 15th, 1901.

In the matter of the application of Annie Franklin for the enrollment of herself and child as Cherokee Freedmen: she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Annie Franklin.
Q How old are you? A About 30.
Q What is your post office? A Muldrow.
Q What district do you live in? A Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who else do you want to apply for? A One boy.
Q Is this a child of yours? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is the name of your father? A Walker Johnson.
Q Is he living? A No, sir.
Q How long has he been dead? A I guess he has been dead about a month.
Q What is your mother's name? A Alsie Johnson.
Q Is she dead? A No, sir.
Q You have been married have you? A Yes, sir.
Q Have you been married more than once? A Yes, sir.
Q How many times? A Three times.
Q What is the name of your first husband? A Sam Sanders.
Q What is the name of your second husband? A Dick Vann.
Q What is the name of your third husband? A Monroe Franklin.
Q You claim to be a Cherokee Freedman of your own right? A Yes, sir.
Q Is Sam Sanders dead? A Yes, sir.
Q Is Dick Vann dead? A I don't know.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Is Monroe Franklin living? A Yes, sir.
Q Is he a Cherokee Freedman? A No, sir.
Q Are you living with him now? A Yes, sir.
Q When were you married to him? A Last April.
Q What is the name of your child? A 19.
Q He is living now is he? A Yes, sir.
Q With you? A Yes, sir.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page 703, No. 681, Nannie Johnson, Sequoyah District.

Q Your father was not a Cherokee Freedman was he? A Yes, sir, but he was not living with my mother.

The 1896 census roll of the Cherokee Nation examined and the applicant identified thereon as follows:
Page 1127, No. 117, Nannie Sanders, Sequoyah District.
Page 1127, No. 118, Sam Sanders, Sequoyah District.

Q Where is this child living now? A With me at home in Sequoyah.
Q Have you a certificate of your marriage to your husband Monroe Franklin? A No, sir, not with me, it is at home.

DENNIS BEAN called and sworn as a witness, testified as follows before Commissioner C. R. Breckinridge:

Q What is your name? A Dennis Bean.
Q How old are you? A 43.
Q What is your postoffice? A Muldrow.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant here, Annie Franklin? A Yes, sir.
Q Is she any kin to you? A My half sister.
Q What was her name when she was a girl? A Johnson.
Q Didn't have the same name as you? A No, sir.
Q She has been married three times has she? A Yes, sir.

Q Who was her first husband? A Sam Sanders.
Q Who was her next husband? A Dickie Vann.
Q Is he dead? A I don't know, if he is living his home is up near Claremore.
Q They have parted have they? A Yes, sir.
Q She is married to another man now, what is his name? A Franklin.
Q What is his first name? A Fred.
Q Do you ever call him Monroe? A Yes, sir, that is his right name.
Q How long have she and he been married? A About a year ago.
Q Do they live together now as man and wife? A Yes, sir.

By Cherokee Representative James Davenport of applicant:

Q Where are you living now? A In Sequoyah District.
Q Where in that district? A On Blackburn Prairie.
Q How long have you lived there? A Ever since I was a little girl.
Q When did you leave Fort Smith to go there? A I never moved back to Sequoyah from Fort Smith, I have always lived in Sequoyah.
Q You wasn't living there for three years here you— where were you in 1896? A No, sir, I was not living there, I was working there.
Q When did you move from Sequoyah District to Fort Smith? A I never moved from Sequoyah.
Q Was you in Sequoyah district or in Fort Smith on the 28th day of June, 1898? A I think I was working in Fort Smith.
Q Where was your son Sam living in 1896? A At home I guess.
Q Don't you know? A He was at home.
Q How long did you work in Fort Smith? A I was off and on at Fort Smith and back in Sequoyah.
Q How much were you off and how much were you on at Fort Smith? A I worked there in all about three years.
Q Did you make that your home? A No, sir.
Q Did you have a home in Sequoyah? A No, sir.
Q You made it in Fort Smith, Arkansas, didn't you? A No, sir, I worked there.
Q Where were you married this last time? A At Fort Smith.
Q You were married at your home there were you not? A No, sir, at the place where I was stopping.
Q You were married in Fort Smith according to the laws of the state of Arkansas were you not? A Yes, sir.

By the Commission:

Q You say you were married in Fort Smith? A Yes, sir.
Q And you say that you worked over there for about three years? A Yes, sir.
Q When did you leave your husband Dick Vann? A We quit living together several years ago.
Q Did you work out of the Cherokee Nation before you quit living with your husband Dick Vann? A No, sir.
Q Did you live in the Cherokee Nation all your life until you and your husband Dick Vann quit living together? A Yes, sir.
Q Up to the time that you and your husband Dick Vann quit living together did you sometimes live in Fort Smith? A No, sir.
Q Never had worked in Fort Smith before that? A Yes, sir, I was at Mr. Alexanders some little while but never to stay any time.
Q Did you ever work in Fort Smith before you married Sam Sanders? A No, sir.
Q Where does Mr. Alexander live? A In Fort Smith.
Q Before you married Sam Sanders you visited his family in Fort Smith? A No, sir, I never visited them I went over there to do some shopping and would go there sometimes also—I used to work for them when they lived in the Cherokee Nation.
Q Before you married Sam Sanders did you ever live in Fort Smith? A No, sir, just went there to trade and was right in and right out again.

Q How long did you live with Sanders? A I don't remember.
Q Several years? A Yes, sir.
Q Where did you live with him? A Right where I do now.
Q All the time in the Cherokee Nation? A Yes, sir.
Q Didn't work out any then? A No, sir.
Q How long had you and Sanders ceased to be husband and wife before you married Dick Vann? A 4 or 5 years.
Q Where were you living during that time? A With my mother in Sequoyah district, Cherokee Nation
Q And then you married Vann? A Yes, sir.
Q So then up to the time that you married Vann you never worked out of the Cherokee Nation? A No, sir.
Q How long did you and Vann live together? A Six years.
Q Where were you living during that time? A In Sequoyah and Saline.
Q Did you live all the time in the Cherokee Nation while you were married to Vann? A Yes, sir.
Q Then you and he separated? A Yes, sir.
Q How long after you and Vann parted before you married Franklin? A Six or seven years.
Q Where were you during that time? A Working in Fort Smith part of the time and the rest of the time in the Cherokee Nation.
Q What kind of work did you do there? A Cooking.
Q How long did you work in Fort Smith? A About three years altogether.
Q Did you stay in Fort Smith as much as a year at a time? A No, sir.
Q During this time that you quit living with Dick Vann and when you married Franklin, where did you spend most of your time? A In the Cherokee Nation, with my folks.
Q What kind of folks did you have here? A My mother and brother.
Q Any children? A That boy.
Q Where was he living? A With my mother on the farm except when he was at school.
Q Where did he go to school? A Fort Smith.
Q And you worked there and kept him in school? A Yes, sir.
Q And you kept house there? A He and him staid in one room there.
Q When were you in Fort Smith the last time? A Cannot say.
Q Have you been there since you married Franklin? A No, sir.
Q Where have you lived since you married Franklin? A At home.
Q In Sequoyah District? A Yes, sir.
Q Did you claim that as your home all the time? A Yes, sir.
Q During all the time that you worked in Fort Smith did you consider the Cherokee Nation as your home? A Yes, sir.
Q All your people were here? A Yes, sir.
Q Did you have any interests back here— any farm? A Yes, sir.
Q What farm was it? A I had one of my own that I got and then there was to one my mother lived on the old home place.
Q When did you get that farm of your own? A Bought it out of the strip money in '96.
Q Have you kept it ever since? A Yes, sir.
Q What did you do with this farm while you were in Fort Smith? A My brother had it.
Q Did he rent it from you? A No, sir, just worked it.
Q Did you get any thing out of it? A No, sir, not much, they never raised much, until this last year they had a pretty good crop.
Q Did you work all the time for the Alexander family while you were in Fort Smith? A No, sir, not all the time.
Q They would know how long you lived there would they not? A Yes, sir, I guess so.

By Com'r Breckinridge,-

The applicant applies for the enrollment of herself and one child, but it develops that the child is over twenty-one years of age, and the application for him

is abandoned, and he will be required to apply for himself. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman, her change of name is established in a satisfactory manner by her own and other personal testimony. It appears that during the interval between her second and third marriages, or when she had separated from her second husband and before her married to her third husband, she was either here in the Cherokee Nation or working at Fort Smith, Arkansas, and that during that time she had a home in the Cherokee Nation and always considered the Cherokee Nation as her home, and that in 1896 she acquired property in the Cherokee Nation which she has continued to hold, and it does not appear that her residence in Fort Smith, or her engagements there are of such a character as to invalidate her right to enrollment or to require further consideration, but because of the protest of the Cherokee Representatives present, who desire to make further inquiry into the matter the applicant will for the present be placed on a doubtful card, her class being that of a Cherokee Freedman.

####

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 16th of April, 1901, at Fort Gibson, I. T.

(Signed) T. B. Needles,

Commissioner.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the original transcript.

Arthur G. Croninger

Subscribed and sworn to before me this 20th day of December, 1901.

Commissioner.

Cherokee Freedmen -1081.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Vann et al., as Cherokee freedmen.

DECISION.

The record in this case shows that on October 17, 1901, Mattie Vann appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself and her minor children, Ali, Ora and Jennie Vann, as Cherokee freedmen. Proceedings had at Fort Gibson, Indian Territory, on April 15, 1901, in the matter of the application for the enrollment of Annie Franklin et al., Cherokee freedmen No. 1194, are filed with and made a part of the record herein.

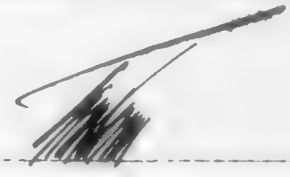
The evidence in this case shows that Mattie Vann is the daughter of Zack Foreman and Ann Franklin, who are identified on the Cherokee authenticated tribal roll of 1880.

The evidence further shows that Mattie Vann was born subsequent to the making of said roll, and that she was married to one Jackson Vann. As a result of that marriage the minor applicants herein were born. Said Mattie Vann is identified on the Cherokee census roll of 1896, and her children are identified by affidavits made a part of the record herein. It is further shown that said Mattie Vann has resided in the Cherokee Nation all her life and the residence of the minor children is considered to be the same as that of their mother.

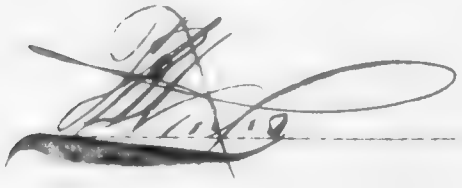
It is, therefore, the opinion of this Commission that Mattie Vann, Ali Vann, Ora Vann and Jennie Vann should be enrolled

as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

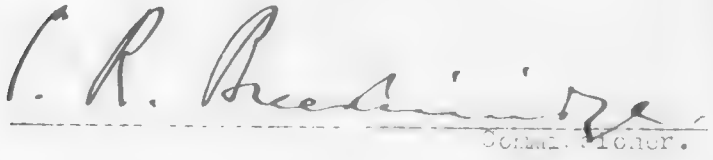
CO-I.T.D. 10 T N FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Commissioner.

Approved: Indian Service,

APR 1 1902

Acting Secretary.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mattie Vann,
[illegible] Wagoner, I. T.
Cherokee-F-D-1081.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-1081.

Muskogee, Indian Territory, April 20, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Mattie Vann for the enrollment of herself and her minor children, Eli, Ora and Jennie Vann, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-20.

Chairman.

M09

COMMISSIONER
TAMS BIXBY
THOMAS B NEEDLES
C R BRECKINRIDGE
WM [illegible]
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-1081.

Muskogee, Indian Territory, May 19, 1904.

Mattie Vann,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for the enrollment of yourself and your three minor children, Eli, Ora and Jennie Vann, as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-59

Cherokee Freedmen
D-1081.

Muskogee, Indian Territory, May 19, 1904.

Louis T. Brown,

Agent for Mattie Vann et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application for the enrollment of Mattie, Eli, Ora and Jennie Vann as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-60

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
C F 1347

Muskogee, Indian Territory, December 8, 1904.

Mattie Vann,

Wagoner, I. T.,

Dear Madam:

You are hereby advised that the name of yourself and minor children, Eli, Ora, and Jennie Vann, appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

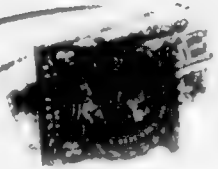
You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.


REGISTERED.
28
1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





MUSKOGEE, IND. T.
MAY 19

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.




MACHINERY
DEC
9 AM
1904
REC

Department of the Interior.

MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

DEC 9

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

MUSKOGEE
IND. TER.
DEC 9
7 AM

Miss Mattie Mann,

Muskogee, Indian Territory.

Cher Fr 1348

see Cher Fr 1011

Cher Fr 1348

REJECTED, as to step-child, LIEUTENANT VANN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 18,1901.

In the matter of the application of George Melton for the enrollment of himself, wife , one child and one step-child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A George Melton.
Q How old are you? A I am about 56.
Q Whatis your post-office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My wife and four children.
Q What is your wife's name ?A Amanda.
Q How old is she?AI guess she is about 55.
Q Your wife and four children? A Yes sir, and that grand child; that's my first wife's children, these four children is, I have been married twoce, my first wife died.
Q Give me the names of your children? A Peter Melton.
Q How old is Peter ? A 25.
Q Well, Peter can come and enroll himself? A No he can't, he is in the pen.
Q Well what is the next child? A Ellen.
Q How old is Ellen? A She is 23.
Q What is the matter i th Ellen thatshe aint here? A She can come.
Q Well she will have to come; next one?A Victoria.
Q How olf is Victoria? A She is 21.
Q She will have to come; have you got any under age? A I have got one, George Melton, Jr.
Q How old is he? A 12 years old, I have a step-child, his name is Lieutenant Vann.
Q How old is he? 15 years old.
Q Is that all? A That's all, and that grand child.
Q What is its name? A Judie Melton.
Q How old is Judie? A Three years old, that's all.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified thereon as follows:
page 143 #1967 George Melton, Coowescoowee Dist, adopted col'd

Q Is Amanda your second wife? A Yes sir.
Q What was her name before you married her? A Amanda Daniels.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant's wife , and identified thereon as
page 91 #847 Amanda Daniels, Coowescoowee Dist, adopted col'd
1896 census roll of citizens of the Cherokee nation examined and applicants identified on
page 411 #342 George Melton, Coowescoowee District;
page 401 #136 Amanda Daniels, Coowescoowee District.

Q Who is the mother of Lieutenant? A Her name was Susan Jackson.
Q Was she your wife, you the father? A Yes sir.
Q Was she a citizen? A No sir.
Q Have you no proof of marriage to her. A Yes sir. (Produce papers

Com'r: Applicant presents certificate of marriage certifying that on the 18th day of Septmber, 1872, he was married to one Susan French, according to the laws of the Cherokee Nation.

Q Susan French was a non-citizen was she? A Yes sir.
Q How did this boy's name come to be Lieutenant Vann? A That's what they called him, Lieutenant Vann.

Q Was he your child? A yo sir.
Q Whose child was he? A Vann's.
Q By Susan French? A Yes sir.
Q Was Vann a citizen? A Yes sir. Supposed to be.
Q What Vann? A Charley Vann.
Q Was he ever married to her? A I don't know.
Q Is Lieutenant Vann ~~xxxx xxxxx~~ on any of the rolls of the Cherokee nation? A I don't know sir.

1896 census roll of citizens of the Cherokee nation examined and applicant identified as follows:
page 411 #344 Lieutenant ~~Xxxx~~ Melton, Cooweescoowee District.

Q Well now I understand that Lieutenant Melton was the child of your first wife Susan French, by one Charley Vann, was Charley Vann and her married? A No sir.
Q You had separated from her? A She separated from me. She was my wife at that time, she done that and we separated.
Q Was Susan French a citizen? A yo sir.
Q She was a non-citizen? A Yes sir.
Q Who was the mother of this grand-child? A My daughter.
Q What was her name? A Victoria Melton.
Q Is she living? A Yes sir, she is at home, now, attending on the child, the child is awful sick, she would have come if it hadn't been for that.
Q Well is Victoria going to be enrolled? A Yes sir.
Q Why don't she enroll the child? A She give the child to me.
Q Well you had better let her enroll the child, she has got to make a birth certificate for it, and everything.

1896 census roll of citizens of the Cherokee nation ~~xxx~~ examined and applicant identified the reon as follows:
page 411 #345 George Melton, Jr., Cooweescoowee District.

Q George jr. living at this time? A Yes sir.
Q You and your wife have been living in the Cherokee nation continuously for the last 20 years? A Yes sir.
Q Who was the mother of George? A Susan, my first wife.
Q What was her name, Susan French? A Yes sir, she used to go by Jackson.
Q BY MR. HASTINGS: Was you living with her when George was born?
A Yes sir.
Q By COM'R NEEDLES: You and Susan are not living together now?
A No, she is dead; died in 1894.

Com'r Needles: George Melton applies for the enrollment of himself, his wife, Amanda and his son, George Jr., step-son Lieutenant Vann. He is duly identified upon the authenticated roll of 1880 and the census roll of 1896; his wife Amanda is identified upon the authenticated roll of 1880 and the census roll of 1896, as Amanda Daniels, that having been ~~xxx~~ the name of her former husband; applicant makes satisfactory proof of marriage to one Susan French, in the year of 1872, she now being deceased; ~~by said marriage he has one~~ child, named George Jr. whose name is found upon the census roll of 1896; the applicant applies for the enrollment of his step-child, Lieutenant Vann; the testimony shows that said Lieutenant Vann is not entitled to enrollment, consequently the application for the enrollment of Lieutenant Vann will be rejected; they are all duly identified and make satisfactory proof as to residence, consequently, George Melton, his wife Amanda and his child George Jr. will be listed for enrollment.

George Melton et al 3

vs Cherokee Freedmen.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 25, 1901.

Tams Bixby

Commissioner.

B

JR 127.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 18 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 18, 1901

Post Office Kenefah I.T.

District Coo

1. Name ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents: 101

Father ... Citizenship ...

Mother ... Citizenship ...

2. Name of wife ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

1. Lieutenant Melton Year 1896 Page 411 No. 344 Dist. Coo 15
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Geo. Melton Stenographer M. A. Green

1 Cor 1896 Roll as Lieutenant Melton,

X F 7

OCT 1 [illegible]
COMMISSION [illegible] TRIBES.

C. F. R-127.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

In the matter of the application for the enrollment of Lieutenant Vann as a Cherokee Freedman. Supplemental Testimony.

Appearances:
W. W. Hastings and L. B. Bell, for Cherokee Nation.

GEORGE MELTON, being first duly sworn, testified as follows:

BY COMMISSION: What is your name? A George Melton.
Q How old are you? A Fifty-seven.
Q What is your post office address? A Lenapah, I. T.
Q In what district do you live? A Cooweescoowee.
Q Cherokee Nation? A Yes sir.
Q Do you know Lieutenant Vann, the applicant in this case?
A Yes sir.
Q Who was his mother? A Her name was Susan.
Q Susan Melton? A Yes sir.
Q Is she a non-citizen? A Yes sir.
Q Who was the father of Lieutenant Vann?
A She said it was Charlie Vann.
Q What relation are you to Susan Melton? A She was my wife.
Q About when did you marry her? A I married her in 1878, I think it was, if I mistake not, somewheres along there. I think it was 1878.
Q Did she have this boy, Lieutenant Vann, when you married her?
A No sir, had it after we were married.
Q Born to her after you married her? A Yes sir.
Q Where does Charlie Vann live? A He lives out close to me, about three miles north of me on the Verdigris.
Q How do you know that Charlie Vann is the father of this child?
A I don't know any more than whatshe said. I don't know anything more about it.
Q Is Charlie Vann here today? A No sir, I tried to get him to come, but he wouldn't.

MR. HASTINGS: What Charlie Vann was that, Flora Burrell's son?
A Flora Burrell's son, old man Nelson Burrell's stepson.

BY COMMISSION: How long have you known this boy, Lieutenant Vann?
A Ever since he was born.
Q Where has he resided ever since he was born? A Right there at my house.
Q In the Cherokee Nation? A Yes sir.
Q He has resided in the Cherokee Nation all his life?
A All his life until a few days ago. He is going to school close to Fort Smith, going to high school.
Q Up to the date that this application was made, June 1', 1901, he had resided in the Cherokee Nation all his life? A Yes sir.
Q You say you tried to get Charlie Vann to come in and testify?
A I told him he had better come, and he said he didn't think he could do any good, and that's all the answer I could get from him. Of course the child was nothing to me, only a step-child. He claimed I was the proper one to see after it, and I come to tell what I knew today.

MR. HASTINGS: Is your wife living now? A No sir, she is dead.

1/

Q How long has the mother of this child been dead?
A Shemdied about six months befor the bigpayment, a little over six years ago.
Q Were you living with her when she died? A Yes sir.
Q Have you lived with her all the time, from the time the child was born? A Yes sir, lived with her until she died, and buried her
Q Did you have any children by her yourself? A Yes sir, four.
Q Had you been separated from her at the time this Lieutenant Vann was born? A No sir, we were living together. The rest of the children was older than he is.
Q Were you married to her under a marriage license?
A Yes sir, I showed it to you at Nowata one time, when they was taking the census.
Q How much older than this boy is your next youngest child by her?
A How much older?
Q Your next youngest child older than Lieutenant Vann?
A I got no younger child than he is. He is seventeen now, and I have got a child since that by her. He is only fourteen. He is younger than is Lieutenant Vann.
Q You have got none older? A I have got Peter. I got Peter and two girls, Ellen and Victoria.
Q I don't exactly understand how it was that you was living with this woman, and she had this child by another man.
A He got between me and that woman while we was living together, somehow, I don't know how, and while he was at that he got this child. I never knew anything about the child until the child was born, and I asked her, the child was so much different. I says, it is a good deal as the old sayingis, that two black sheep can't get a white one. I thought it wasn't mine, then she up and told me how it was. I had been living with her, and she said that if I would forgive her she wouldn't do it any more, and we continued to live together.
Q You and your wife and the other fellow all recognized child was Charlie Vann's.
A That's what she said. I never had no truck with it.
Q You don't claim it for yours? A No sir.
Q She never claimed it for yours? A No sir.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 12th day of October, 1903.

Charles DeLaney
Notary Public.

-2-

accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

(SEAL) UNITED STATES INDIAN TERRITORY.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this 4th day of April

Cherokee Freedmen
R-127.

Muskogee, Indian Territory, September 9, 1903.

George Melton,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your step-child, Lieutenant Vann, you are hereby advised that further testimony is required, other than that of yourself and wife, tending to show who was the father of Lieutenant Vann; also, proof that Lieutenant Vann has been a resident of the Cherokee Nation since his birth.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Chef. Fr. R-127

Vinita, Indian Territory, Sept. 21, 1903.

Charlie Vann,

Centralia, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Lieutenant Vann for enrollment as a Cherokee Freedman, you are hereby directed to appear before the Commission at Vinita Indian Territory, during the week beginning September 21, 1903, and ending September 26, 1903, and testify as to who is the father of the applicant, Lieutenant Vann.

Respectfully,

F. P. Tachiaw

Clerk in Charge.
Enrolling Party No. 1.

Cherokee Freedmen
R-127.

Muskogee, Indian Territory, May 19, 1904.

Lieutenant Vann,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Register

Enc. D-58

Cherokee Freedmen
R-127.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of George Melton for the enrollment of Lieutenant Vann as a Cherokee freedman.

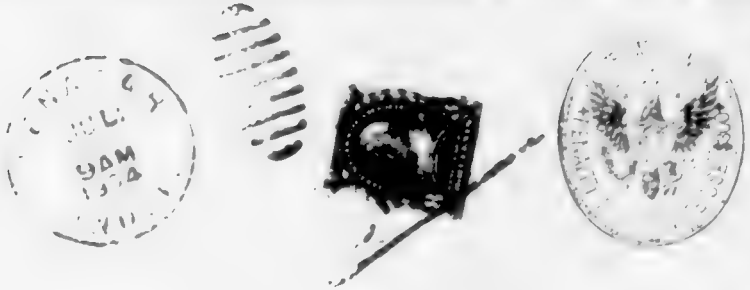
You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-21.

Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.



Reg 4/4
Return to
Under

Cher Fr 1349
see Cher Fr 576

Cher Fr 1349

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 19, 1901.

In the matter of the application of Benjamin Foreman for the enrollment of himself and two children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Benjamin Foreman.
Q How old are you? A About 26.
Q What is your postoffice address? A Foreman, I. T.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as aCherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Who do you desire to enroll besides yourself? A Two children.
Q What are the names of your children? A Sylvester.
Q How old is he? A Five years old.
Q The name of the next child? A Etha.
Q How old is Etha? A One year old the fifth of May.
Q [redacted] Are you married? A No sir.
Q Were you ever married? A No sir.
Q Whose children are these? A A girl by the name of Maggie Harris.
Q Is she a citizen? A No sir.
Q She's the mother of these children? A Yes sir.
Q You never were married to her? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 697, No. 522, Benjaman Foreman, Sequoyah Dist.

Q Were you enrolled in 1896? A Yes sir, but I didn't draw; but I drawed in another fellow's name.
Q What is your father's name? A Jerry Foreman.
Q He living? A Yes sir.
Q What is your mother's name? A Ellen, I don't recollect her.
Q Is she living? A No sir, she died when I was a little boy.
Q You always lived in the Cherokee Nation? A Yes sir.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Was your name on the census roll before you drew money? A I guess so.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Born and raised here? A Yes sir.
Q Living in the Cherokee Nation now? A Yes sir.

The name of Benjamin Foreman is found upon the authenticated roll of 1880, and not found upon the census roll of 1896; he is duly identified and makes satisfactory proof as to residence, and will be listed for enrollment as a Cherokee Freedman. He applies for the enrollment of two children, Sylvester and Etha, Sylvester five years of age, and Etha one year old; he avers they are the children of one Maggie Harris, a non citizen, to whom he was never married, consequently the application for the enrollment of said children will be refused and they will be rejected.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereo

Subscribed and sworn to before me this 22nd day of April, 1901.

Commissioner.

B. F. B. 52.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 19 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 19 1901

Post Office Foreman

District Ly

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

3. Silvester Foreman Year ..... Page ..... No. ..... Dist. 5
4. Ema Year ..... Page ..... No. ..... Dist. 1
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Benjamin Foreman Stenographer Rothenberger 2-9.

CHEROKEE FREEDMAN.

20

IN RE

Application for Enrollment of

INFANT CHILD

Silvester Foreman

as a citizen of

CHEROKEE Nation.

Approved, May 11 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment as a citizen of the CHEROKEE Nation,
of Silvester Foreman born on the 4 day of August, 1895
(Here insert name of child)
Name of Father: Benjamin Foreman, a citizen of the Cherokee Nation.
Name of Mother: Maggie Harris, a citizen of the U.S. ~~Nation.~~
Post-office, Foreman I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY.~~ }
Northern District. }

I, Maggie Harris, on oath state that I am 22
years of age and a citizen, by U.S, of the ~~Nation;~~
that I ~~am the lawful~~ wife of Benjamin Foreman, who is a citizen, by
Adoption, of the ~~Cherokee~~ Nation, that a Male child was
(male or female)
born to me on the 4th day of August 1895; that said child has been
named Silvester Foreman, and is now living.

Maggie Harris

WITNESSES TO MARK

(Must be Two Witnesses) }
}

Subscribed and sworn to before me this 6th *day of* May 1901.

J. W. Bowers
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
~~INDIAN TERRITORY.~~ }
Northern District. }

I, Rosa Melton, a Midwife, on oath state that I
attended on Mrs. Maggie Harris, wife of Benjamin Foreman,
on the 4th day of August, 1895; that there was born to her on
said date a Male child; that said child is now living and is said to have been
(male or female)
named Silvester Foreman

Rosa Mrs Melton

WITNESSES TO MARK:

(Must be Two Witnesses) } Emma Rinehart
} Rosetta Melton

Subscribed and sworn to before me this 6th *day of* May 1901.

J. W. Bowers
NOTARY PUBLIC

COM

CHEROKEE FREEDMAN.

20

IN RE

Application for Enrollment of

INFANT CHILD

Etha Foreman

as a citizen of

Cherokee Nation

Approved, May 11 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Atha Foreman (Here insert name of child) born on the 31st day of May, 1900

Name of Father: Benjamin Foreman, a citizen of the Cherokee Nation.

Name of Mother: Maggie Harris, a citizen of the ~~Nation.~~ M.C.

Post-office, Foreman, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Maggie Harris, on oath state that I am 22 years of age and a citizen, by M.C., of the ~~Nation~~; that ~~I am the lawful wife of~~ Benjamin Foreman, who is a citizen, by adoption, of the Cherokee Nation, that a female (male or female) child was born to me on the 31st day of May 1900; that said child has been named Atha Foreman, and is now living.

Maggie Harris

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 6th *day of* May 1901.

J. W. Bowles
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Amanda Nichols, a Midwife, on oath state that I attended on Mrs. Maggie Harris, wife of Benjamin Foreman, on the 31st day of May, 1900; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Atha Foreman

her
Amanda X Nichols
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
W. S. Oliver
D. M. Lee

Subscribed and sworn to before me this 6th *day of* May 1901.

J. W. Bowles
NOTARY PUBLIC.

Cherokee Freedmen 1-32.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Silvester Foreman et al., as Cherokee freedmen.

DECISION.

The record in this case shows that on April 19, 1901, Silvester Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and minor children, Silvester and [illegible] Foreman, as Cherokee freedmen.

The evidence shows that Silvester and [illegible] Foreman are the children of Benjamin Foreman, now deceased. [illegible] Foreman is identified on the Cherokee authenticated roll of 1880. The evidence further shows that Silvester and [illegible] have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of the Commission that [illegible] Silvester Foreman and [illegible] Foreman should be enrolled as Cherokee freedmen, in accordance with the provisions of section [illegible], act of [illegible] (70 Stats., [illegible]), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this 18 day of APR [illegible]

Cherokee Freedmen
R-52.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Benjamin Foreman for the enrollment of his two minor children, Silvester and Etha Foreman, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-19.

Chairman.

Cherokee Freedmen
R-52.

Muskogee, Indian Territory, May 19, 1904.

Silvester Foreman,

Foreman, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for the enrollment of yourself and your sister, Etha Foreman, as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-57.

Cher Fr 1350

Cher Fr 1350

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

The record in the matter of the application for the enrollment of Elizabeth Williams, Annie Rider and Callie Grayson as Cherokee Freedmen.

CHEROKEE FREEDMEN. D-371.

J.D. 374

A. Chem. Fr. 1939

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 21,1901.

In the matter of the application of Elizabeth Williams for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, she testified as follows:

Appearances:
Joe Sequichie, agent for applicants;
L.B.Bell, Cherokee Representative:

Q Give me your name? A Elizabeth Williams.
Q How old are you? A 37.
Q What is your post-office? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who is it you want to have enrolled besides yourself? A Two children.
Q Have you a husband? A No sir.
Q Just two children? AYes sir.
Q How long have you lived in the Cherokee Nation? A Lived here all my life.
Q Born here? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father? A Henry Grayson.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Betsy Wright.
Q Is your mother alive? A Yes sir.
Q What is her present name? A Betsy Whitmire.
Q You have been married? A Yes sir.
Q How many times? ATwice.
Q Give me the name of your first husband? A Frank Daniels was my first husband.
Q When did you marry him? A Along about, I don't know when it was.
Q About how long ago? How old were you when you married him?
A I don't know how old I was; about 16 I guess.
Q It has been a little over twenty years then? A Yes sir.
Q Is he dead? A No sir.
Q How long did you and he live together? A We lived together about five years.
Q Give me the name of your second husband? A Second husband was named Andy Wright.
Q Is he alive? A Yes sir.
Q About how long since you married him? A We wasn't married.
Q You just lived together? A Yes sir.
Q Well, about how long since you began living with him? A I lived with him about a year I guess.
Q And when was it you began living with him, how long ago?
A It has been about two or three years.
Q Then you and heparted? A Yes sir.
Q Have you married since that? A Yes sir.
Q You have been married three times then? A Yes sir.
Q What was the name of your last husband? A Williams.
Q Full name? A Henry Williams.
Q Is he alive now? A Yes sir, he is living.
Q Your first husband, Frank Daniels, is heCa Cherokee Freedman?
A Yes sir.
Q Andy Wright, is he a Cherokee Freedman? A Yes sir.
Q Henry Williams, is he a Cherokee Freedman? A No, sir, he is a Creek man.
Q When did you and Henry Williams marry? A We have been married about two years.
Q Are you living together at this time? A No sir.
Q You have parted from him? A Parted.
Q Give me the names of your two children? A Annie and Callie.
Q Is Annie the older one? A Yes sir.

Q Annie what? A Annie Rider.
Q How old is that child? A She is 16.
Q Give me the name of the next child? A Callie.
Q Callie what? A Goes by Callie Grayson.
Q How old is that child? A She is 11 years old.
Q Are these children both living now? A Yes sir.
Q What name did you go by before you married at all? A Before I married at all I went by my step-father's name, Whitmire.
Q You said nothing about being married to anybody named Rider or anybody named Grayson, but these are the names of these children? A Yes sir.
Q These are your own children are they? A Yes sir.
Q Your natural children? A Yes sir.
Q Well now, in 1880 your name was Daniels was it, you said you married that man Daniels 21 years ago? A Yes sir.
Q Are you on the roll of 1880? A I don't think I am.
Q Are you on any roll? A I am on the Wallace roll I think.
Q Is that the only one you are on? A Yes sir, I think so.
Q Why are you not on the roll of 1880? A ~~I think~~ Why they made a mistake; didn't put me on some way.
Q Why are you not on the roll of 1896? A I don't know sir.
Q Why are you not on the Werns-Clifton roll? A I am on it I think.
Q Did you draw Cherokee Strip money? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

Q Was your father living in 1880? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined for mother of applicant and identified; page 197 #3152 Betsy Whitmire, Coowee coowee Dist, adopted colored;

Q That Betsy is your mother? A Yes sir.

BETSY WHITMIRE, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q You have been sworn, give yourname there please? A Betsy Whitmire.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A All my life.
Q What is your post-office? AHayden.
Q Is this woman your daughter? A Yes sir, my oldest daughter; she was left off the roll.
Q Why was she left off of the roll in 1880? A I don't know; we thought we had her on and when we come to look she wasn't on.

Examined by Jo.Sequichie, applicant's agent:

Q Give a full reason why she was left off the roll of 1880, was she living with you or with somebody else? A No sir, she was living with my husband's brother at that time.
By Com'r Breckinridge:
Q What was the name of that brother? A Dennis Whitmire.
By Jo. Sequichie:
Q How was it that, what was the reason you didn't enroll her at that time,- was it,- did you,- why didn't you enroll her?
A We thought we had them all down and she was left off; I guess we might have made a mistake some way.
Q Didn't you think at the time that she would be enrolled with Dennis' family? A Yes, she was staying there.

Applicant, Elizabeth Williams re-called, and further examined by Commissioner Breckinridge:

Q In what name did you draw your Cherokee Strip money?
A The Clifton money?
Q Yes? A No sir, I didn't get it.
Q You told me just now you did? A I got the Wallace payment.
Q What name were you going by when that roll was made in 1896?
A I went by Lizzie Whitmire.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found.

Q Did you draw Wallace money for any of these children? A Yessir.
Q These children, you claim they are on no roll by the Wallace roll? A No sir, that's all the roll they are on.

Wallace roll of citizens of the Cherokee Nation examined for applicant and children and names not found.

Witness, Betsy Whitmire, re-called, and further examined; by Commissioner Breckinridge:

Q How many children has this daughter of yours? A She has got three, the father of the boy that she had he enrolled it.
Q What was that child's name? A Will Daniels.
Q The father is named Frank Daniels? A Yes sir.
Q She has got two children living with her? A Yes sir.
Q What are their names? A Annie Rider and Callie Dodson.
Q She has called that child Callie Grayson? A Well they have got different named, nick names.
Q Sometimes it is caled Dodson? A Yes sir.
Q These are the children of this woman? A Yes sir.
They are her children; that's my own daughter; she was raised right on Lightning Creek. I can get all the neighbors to swear to it.
Q You know she has lived in the Cherokee Nation all her life? A Yes sir.

Examined by Cherokee Representative, L.B.Bell:

Q When did you come to the Cherokee Nation after the war? A I come here in '66, I was raised here; I was raised right in Tahlequah.
Q Who did you come here with? A I come here with my uncle, Ben Sanders.
Q Where did you land at when you struck the Cherokee Nation?
A I went to Tahlequah.
Q. Where did you first come into the Nation at? A I come into the Nation into Tahlequah.
Q Did you just fly and light in Tahlequah, or did you come along the road somewheres and go into the Nation? A I come just like everybody else had to come, I come on the road.
Q Where did you first strike the Cherokee Nation? Q Why I struck the Nation wherever it was at.
Q Did you come from the North, South, East or West? A I come from the North.
Q Which way did you come? A I come from Kansas to Tahlequah, I guess you know about where the line is.
Q Well, I am trying to find out where you did run' A Well there's a whole lot of places where the line is.
Q But you didn't come into a whole lot of them at once did you? A No, I come down the line from Ft. Scott; I come that way, from Lawrence.
Q Why didn't you say that at the start? A Well you ought to know, I come-.
Q When did you come to the Cherokee Nation? A In '66.
Q What time in '66? A In the fall.
Q Early in the fall or the last of the fall? A Last of the fall.
Q You came with who? A Ben Sanders.
Q Who was with Ben Sanders? A Me and my aunt.

Elizabeth Williams et al 4

Q Name the party? A My aunt and my uncle and myself and my sister and some hired men.
Q You haven't named a solitary soul yet? A Aint her name Tilda Sanders, that was my aunt; Ben Sanders.
Q You wasn't married to Lewis Whitmire when you come down here?
A No sir I had this child when I come.
Q How old was this child when you come? A She was about 2 years old I guess.
Q She was born in Kansas? A Yes sir, and her father is a Creek Darkey.

Comr Breckinridge: The applicant applies for the enrollment of herself and two children; the applicant was born in Kansas, as developed by the testimony of her mother; her mother stats that she returned to the Cherokee Nation in the latter part of the autumn of 1866, and brought this daughter with her, and that the applicant was at that time two or three years of age, and both the applicant and her mother testify that the applicant has lived in the Cherokee Nation ever since that time; the mother is identified on the roll of 1880, and has been duly enrolled, but the applicant is not identified on any roll, and a careful search has been made of the roll of 1880 and of 1896 and the Kerns-Clifton and the Wallace rolls; she claims to be upon the Wallace roll, and upon no other; her present name is established by satisfactory testimony, and although she cannot be identified upon any roll, yet, as her mother is shown to be upon the roll of 1880, and under the other conditions states, the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, for the further consideration of her case; her two children Annie Rider and Callie Grayson, are not identified upon any roll; they are respectively 16 and 11 years of age, and are said to be now living; they do not bear the name of any one of the men to whom the applicant stated that she was married, but she and her mother affirm that they are the natural children of the applicant; they will now be listed for enrollment as Cherokee Freedmen on a doubtful card, with their mother; when the final decision of the Commission is made in regard to these applicants, it will be made known to the applicant at her post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this May 21, 1901.

C. M. Breckinridge

Commissioner.

B. F.D. 371

1

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 21 1903

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 21. '91

Post Office Hoyd. Ter.

District Lee

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1-a. Name of wife Elizabeth Halleman Age 37-

Owner's name Citizenship

Year Page No. District

Parents:

Father [illegible] Citizenship Ind.

Mother Betsy Hallemin Citizenship "

Names of children

2-a. Annie Ind. Year Page No. Dist. Kern

3-a. Carrie Grayson. Year Page No. Dist. "

5. Year Page No. Dist

6. Year Page No. Dist.

7. [illegible] Year Page No. Dist

8. [illegible] Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1-1 Stenographer Green

No. 1 Rec. by Inv. [redacted] Inquiteh

Ap 394
Chan. Fs. 1350

[illegible] 9 271.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., 28 June, 1901.

In the matter of the application of Elizabeth Williams for the enrollment of herself as a Cherokee Freedman;
LEWIS WHITMIRE, being sworn by Commissioner Needles, testified as follows:

Appearances:
Jo. Sequichie, Agent for the applicant;
Messrs. Hastings, and Davenport, attorneys for Cherokee Nation.

BY MR. SEQUICHIE:
Q What is your name? A Lewis Whitmire.
Q What is your age? A 62 years old.
Q What relation is Elizabeth Williams to you? A She is my step-daughter.
Q How old was she when you married her mother? A She was going on 3 years old.
Q Where did you marry her mother at? A In Tahlequah.
Q You remember what year it was? A It was in '67.
Q Has Mrs. Williams always lived in the Cherokee Nation from the time that you married her mother? A Yes sir, always around and about in the Cherokee nation.
Q Never moved out of the Cherokee Nation at all? A Never was out, no sir, never was out of the Cherokee Nation.
Q When you married your wife at Tahlequah did this girl move up in this country with you? A I brought her up, she was just a baby, and I brought her up here and she growed up in the house I am living in.
Q During the enrollment of 1880 was she at your house? A She was down at my brothers, she was about 14 years old and big enough to work around and get her clothes, and she was working out the day the census takers come to my house.
Q Did you enroll her? A I didn't enroll her, they wouldn't let me put her on the roll, because she wasn't at home, and she was about grown and they said they had instructions not to enroll nobody that was of age unless they saw them; I couldn't get them to enroll her on my ~~affidavits~~ advices and testimony, and they said they would enroll her when they got to her if she was in the neighborhood they would take her name.
BY COM'R NEEDLES:
Q Who is Elizabeth Williams' mother? A Betsy Whitmire.
Q She is on the roll of 1880? A Yes sir.
Q Where was Elizabeth born? A In Tahlequah I guess, I can't tell exactly, her mother knows, she is here.
Q Always lived in the Cherokee nation? A Yes sir, she was always lived in the Cherokee Nation.
BY MR. SEQUICHIE:
Q Didn't some one tell you they would enroll her at the place she was staying?
COM'R NEEDLES: That wouldn't amount to anything.

BETSY WHITMIRE, being sworn and examined by Com'r Needles, testified as follows:

Q Your name is? A Betsy ~~Whitmire~~ Whitmire.
Q How old are you? A 56.
Q Are you the mother of Elizabeth Williams? A Yes sir.
Q Where was she born? A In Kansas.
Q When did she come from Kansas here to the Cherokee nation? A I brought her here when I come.
Q She was a little child? A Yes sir.

Elizabeth Whitmire 2 - supplemental-

Q She been living here ever since? A Yes sir.
Q Is she married? A She has been married, but she is not married now.
Q Did she have any children? A She has got two.
Q What's their names? A Annie and Callie.
BY MR. HASTINGS:
Q What was her father's name? A Henry Grayson.
Q He part Creek? A Yes sir.
Q Is he living? A Yes sir.
Q Living in the Creek nation? A Yes sir.
Q This girl has been living over there with him? A She don't live with him, she goes over there sometimes and sees him and comes back home.
Q Where did she live in her early years? A On Lightning Creek, raised right here on Lightning Creek.
Q Henry Grayson married another woman? A Yes sir, he had another woman.
Q Who did you come back here with? A My uncle.
Q What was his name? A Ben Sanders.
Q How much of the time has she lived in the Creek Nation and how much of the time with you? A She has lived most of the time with me and around in the neighborhood; she worked out all the time after she left home.
Q Where did she marry? A She married in the Nation somewhere, I don't know just where.
Q Has she been keeping house since her marriage? A Well she stayed around I guess somewhere, she hasn't got no particular place, farm or anything.
Q Did she ever keep house in the Creek nation? A Not as I know of. She has been there off and on to her father's.
Q Near what town does her father live? A He lives somewhere down about Checka I guess, I don't know.
Q Was her husband a state man or a Creek? A No sir, I guess he must have been a Creek, the last man she had; the eldest girl's father is a Freedman, Cherokee, she wasn't married to him.
Q Well about when was she married first? A She hasn't been married here very long, she married Frank Daniels first, she married him here on Cabin Creek.
Q How long has she been married to this Creek man? A Not very long, but they are parted.
Q 8 or 10 or 12 years? A Oh no, not been that long.
Q Where has she been keeping house after she married that Creek man? A She has been down here at her father's.
Q In the Creek nation? A Yes sir.
Q Has she been married as much as 5 years? A No sir.
Q 4? A No sir, about two or three years I guess.
BY COM'R RIDDLES:
Q She have any children by Grayson? A Grayson is her father.
Q Did Grayson have any children besides her? A He has got a lot of children by this woman that he had since.
Q Is this the only child he ever had? A By me?
Q Yes? A Yes sir.
Q Grayson was married to you at one time? A Yes sir.
Q And this is the only child you had by Grayson? A Yes sir.
Q Grayson is now in the Creek nation? A Yes sir.
Q Has he married a Creek since? A He had a Creek woman, colored woman.
Q This child has never lived in the Creek nation? A No sir. She has never lived there, to say lived there, she has been backards and forwards.
Q She ever apply to be enrolled in the Creek Nation? A No sir.

Finches William S- applicant-

Q Never claimed Creek citizenship? A No sir.

Com'r Beatlee: This will be filed with D card 371.

E.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

E B Green

Subscribed and sworn to before me this July 1st, 1911.

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tahlequah I.T. Oct 15 1900

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Elizabeth Williams, Etal for enrollment as Cherokee Freedmen.

No. D.F. 571

L. Semicheé
Agent for Applicant

Cherokee Freedmen D-371.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elizabeth Williams, Annie Rider and Callie Grayson as Cherokee Freedmen.

DECISION.

It appears from the record herein that Elizabeth Williams appeared before the Commission at Vinita, Indian Territory, on May 21, 1901, and made application for the enrollment of herself and her minor daughters, Annie Rider and Callie Grayson, as Cherokee Freedmen. Further proceedings were had in the matter at Nowata, Indian Territory, on June 22, 1901.

The evidence herein shows that the applicant, Elizabeth Williams, is a daughter of Betsy Whitmire, whose name is identified on the 1880 authenticated Cherokee Roll as an adopted colored. It is presumed that the applicant at the said Betsy Whitmire complied with all the provisions of the Cherokee treaty of 1866, and that the applicant, Elizabeth Williams, having been born since the commencement of the rebellion, acquired her mother's status as a Cherokee freedman. The minor applicants, Annie Rider and Callie Grayson, are the children of the said Elizabeth Williams and take the same status as that possessed by their said mother.

It appears from the testimony in this case that the said Elizabeth Williams went to the Cherokee Nation with her mother, the said Betsy Whitmire, in 1866 or 1867, that her permanent home was and that of her said children has always been in the Cherokee Nation.

It is, therefore, the opinion of this Commission that Elizabeth Williams, Annie Rider and Callie Grayson should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breathitt
Commissioner.

Muskogee, Indian Territory,

Commissioner.

JOR

Cherokee F-1350

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T. July 12,1904.

In thematter of the application of Elizabeth Williams for the enrollment of herself and children, Annie Rider and Callie Grayson, as Cherokee Freedmen.

SUPPLEMENTAL TESTIMONY.

ANNIE CANARD2, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Annie Canard.
Q How old are you? A 23.
Q What is your post office? A Broken Arrow.
Q Was it Hayden at the time you enrolled? A Yessir.
Q Have you married since you were enrolled? A Yes sir.
Q What is your husband's name? A Jerry Canard.
Q Is he a Cherokee? A Creek.
Q Are you and he living together now? A Yes sir.
Q When were you married? A Us married about four years ago, I don't remember the day though.
Q Do you remember the month? A December.
Q Of what year? A I don't know. It will be four years this coming December.
Q Were you married at the time application was made for your enrollment? A Yes sir.
Q Application was made for your enrollment under the name of Annie Rider ? A Yes sir, but my mother enrolled me at Nowata.
Q That was your maiden name was it? A Yes sir.

Mary B. Risser, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the supplemental testimony in his case and that the foregoing is a true and complete transcript of her stenographic notes thereon.

Mary B. Risser

Subscribed and sworn to before me
this 13th day of July, 1904.

J. Risser
Notary Public.

MBR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible] Elizabeth Williams,
[illegible]ayson, I. T.
[illegible] noted 7-D-571.
[illegible]tor.

Cherokee Freedmen
D-371

Muskogee, Indian Territory, January 26, 1904.

Commission to the Five Civilized Tribes,

Creek Enrollment Division,

Muskogee, Indian Territory.

Gentlemen:

It appears from the records of the Commission that Elizabeth Williams and her minor children, Annie Rider and Callie Grayson, are listed for enrollment as Cherokee freedmen, their names being on Cherokee Freedmen Card D-371. It also appears that the father of Elizabeth Williams is Lewis Grayson, a Creek freedman.

You are requested to advise this office as to whether or not the said Elizabeth Williams or her children have ever made application or been listed for enrollment as Creek freedmen, and if so, what disposition has been made of such application.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON T. AYLESWORTH
SECRETARY

ADDRESS ALL MAIL TO THE COMMISSION

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 28, 1904.

Commission to the Five Civilized Tribes,

Cherokee Enrollment Division.

Gentlemen.

Receipt is acknowledged of your letter of January 26, in which it is stated that it appears that Elizabeth Williams and her minor children, Annie Rider and Callie Grayson, are listed for enrollment as Cherokee Freedmen on Cherokee Freedman card D. 371, and that it also appears that the father of Elizabeth Williams is a Creek Freedman.

You request to be advised as to whether or not Elizabeth Williams or her children have ever made application or been listed for enrollment as Creek Freedmen, and if so, what disposition has been made of such application.

In reply you are advised that the records of the Commission, Creek Enrollment Division, have been examined, and it does not appear that application has been made for the enrollment of said persons as citizens of the Creek Nation, nor have they, or any of them, been listed for enrollment as citizens of said nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-871.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Elizabeth Williams for the enrollment of herself and her two daughters, Annie Rider and Callie Grayson, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-18.

Chairman.

Cherokee Freedmen
D-371.

Muskogee, Indian Territory, May 19, 1904.

Elizabeth Williams,

Hayden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for the enrollment of yourself and your two minor children, Annie Rider and Callie Grayson, as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-55.

Cher Fr 1351

See Cher Fr D157

Cher Fr 1351

REJECTED, as to Applicant, MARY SCOTT:
DOUBTFUL, as to Applicant's child, BELL SCOTT:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

In the matter of the application of Mary Scott for the enrollment of herself and one child as Cherokee Freedmen; said Scott being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Mary Harlin.
Q How old are you? A Something over 30 years old.
Q What is your post office address? A Melvin.
Q What district do you live in? A Tahlequah District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a member of any other tribe or Nation? A No, sir.
Q Did you ever draw any money from any other tribe?
A No, sir.
Q Who do you want to enroll besides yourself? A One child.
Q Have you been recognized by Cherokee Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls? A Yes, sir.
Q What is your husband's name? A James Scott.
Q Isn't your name Scott then? A My name is Mary Scott now.
Q What is your husband's name? A His name is Jim Scott.
Q Is he a citizen? A Yes, sir.
Q Is he living? A Yes, sir.
Q Are you living with him? A Yes, sir.
Q ~~Is he a citizen~~ Has he enrolled himself? A Yes, sir; he has been down here, I never come with him.
Q What is your father's name? A Thomas Harlin.
Q Is he alive? A Yes, sir.
Q What is your mother's name? A Rachel Brown.
Q Is she living? A I don't know, sir, my name is down Mary Harlin.
Q What are your childrens' names? A Vinnia Sanders.
Q How old is Vinnie Sanders? A 15 years old.
Q What is the other's name? A Bell Scott.
Q How old is Bell? A Going on two years old.
Q Are you the mother of Vinnie Sanders? A Yes, sir.
Q Were you married to Sanders? A No, sir; we was not married but we lived together.
Q Are these two children living? A Yes, sir.
Q Did your husband enroll these children? A He enrolled Vinnie Sanders.
Q You only want to enroll yourself and your baby then?
A Yes, sir.
Q Was your mother a citizen? A No, sir, I don't know whether she was or not.
Q Your name is not on the rolls at all; did you draw strip money?
A Yes, sir.
Q Where were you when you drew it? A I was living here.
Q Where did you draw your strip money? A Here.
Q In Fort Gibson? A Yes, sir.
Q Do you live in Fort Gibson now? A No, sir.
Q You will have to bring some witnesses here that ~~known~~ knows you and knows something about you; you are not on the rolls? A My father is here.
Q What is his name? A Tom Harlin.

The 1880 Authenticated Roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation Examined and applicant's name not found thereon.
The Kerns-Clifton roll of citizens of the Cherokee Nation examined and the name of applicant found thereon, page 179, #4403, Mary Harlin, Tahlequah District.

THOMAS HARLIN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Thomas Harlin.
Q What is your age? A About 57 years old.
Q What is your post office? A Chouteau.
Q Are you a recognized citizen of the Cherokee Nation--Freedman? A Yes, sir.
Q Do you know Mary Scott? A Yes, sir; she is my daughter.
Q What was her mother's name? A Her mother's name was Rachel Laflore.
Q Was she a Cherokee Freedman? A Choctaw.
Q Were you ever married to her? A No, sir, I was not married.
Q Didn't live with her as your wife? A No, sir.

MARY SCOTT, the Applicant, re-called, testified as follows:

Q What are the names of your two children you apply for? A Vinnie Sanders and Bell Scott.
Q What is the name of the father of that Sanders child? A Louis Sanders.
Q Well, now, you apply for the enrollment of yourself and how many children? A One.
Q What is the child's name? A Bell Scott.
Q How old is Bell Scott? A She is going on two years old.
Q Are you married to Jim Scott? A Yes, sir.
Q Have you got a certificate of marriage? A ~~Yes~~,No, sir; we were married by a preacher, Alfred Smith.
BY W. W. HASTINGS, Cherokee Representative: About when were you married? A I could not tell you about how long ago.
BY COMMISSIONER NEEDLES: Well, about how many years; you know whether it is four, five or six? A About four years.
Q Was Bell Scott born after you were married to Jim Scott? A Yes, sir.
Q And Bell is two years of age? A Going on two years old.
Q Where were you born; do you know whether you were born in the Choctaw Nation or Cherokee Nation? (Applicant's father, who has been sworn, answers: "Choctaw Nation.")
Q Is Bell Scott living? A Yes, sir.
Q Born in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:--The name of Mary Scott is not found upon any of the rolls of the Cherokee Nation in the possession of this Commission except the Kerns-Clifton Roll. The testimony shows that her mother, Rachel Laflore, was a Choctaw citizen and that she was born in the Cherokee Nation. The testimony further shows that Thomas Harlin, who is averred to be the father of said Mary Scott, was never married to Rachel Laflore; consequently the application of Mary Scott for the enrollment of herself is rejected.

She applies for the enrollment of her child, Bell Scott, by her averred husband, James Scott, and by said marriage she has the said child, Bell Scott, now two years of age, whose name does not appear upon the rolls, having been born after the same were compiled. The said James Scott, whom she avers to be the father of Bell Scott and her present husband, is found enroll on Cherokee Freedman Card No. D.157. She avers that she was married by a Minister of the Gospel named Alfred Smith, who is now living. It will be necessary for her, the said Mary Scott, to file with this Commission a certificate of marriage certifying to the fact that she was married to her averred husband, James Scott.

Final judgment as to the enrollment of Bell Scott will be suspended and her name will be placed upon a doubtful card. Satisfactory proof of birth of said Bell Scott will also be necessary to be filed.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 29th day of April, 1901.

Commissioner.

B. F. D. 186

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 24th 1901

Post Office Tahlequah I.T.

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Billy Lewis Year Page No. Dist. 2

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mary Lewis Stenographer C. C. Caron

Wife & Mary Lewis and Child
Both are Freedmen
Recommended.
Secured C. Mary Lewis Ac—— for
Survey, in advance of Patents for

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 29 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 21, 1901

Post Office Tahlequah, I. T.

District Tahlequah

1. Name Rejected Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Mary Scott Age 30

Owner's name Citizenship

Year K. Page 174 No. 4403 District Tahlequah

Parents:

Father Wm. Harlan Citizenship Colored

Mother Rachel McKee Citizenship Dec. Colored

Names of Children:

3. Rejected Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist. " "

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Ruth Belle Scott and D. B. Rogers Stenographer

O.W.K.C. wife as Mary Harlan

Ruth B. marriage to be established

FILED
APR 30 1901

F.-#655.
F.-D.#186.

S U P P L E M E N T A L T E S T I M O N Y.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of VINA SANDERS, F.-#655, and BELL SCOTT, F. -D.186, as Cherokee Freedmen:

MARY SCOTT, about 30 years old and whose post office is Melvin, I. T., being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Do you know Louis Sanders? A Yes, sir.
Q Do you know Vina Sanders? A Yes, sir.
Q Is Vina Sanders your child? A Yes, sir.
Q Is Louis Sanders the father of the child? A Yes, sir.
Q Were you and Louis Sanders ever married? A No, sir.
Q You didn't live together as man and wife? A Yes, sir.
Q For how long? A I don't know, sir, how long.
Q You know about how long? (No response.)
BY W. W. HASTINGS, Cherokee Representative: A year or two?
A Longer than a year or two.
BY COMMISSIONER NEEDLES: How long ago was that? A I could not tell, I have forget.
Q Did you keep house, you and him? A Yes, sir, we kept house.
Q But you don't recollect how long you lived with him? A No, sir.
Q Was Vina Sanders born while you were living together as man and wife? A Yes, sir.
Q You never got a divorce from Louis Sanders, did you? A No, sir.
Q Howold is Vina? A She is 15 years old.
Q Now, you can recollect her age, can't you recollect about how long you and he lived together? A No, sir.

THOMAS HARLIN, about 57 years of age and whose post office is Chouteau, I. T., being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q Mr. Harlin, do you know Louis Sanders? A Yes, sir.
Q And you know Mary Scott, she is your daughter? A Yes, sir.
Q Well, do you know Vina Sanders? A Yes, sir.
Q Was Louis Sanders and Mary ever married? A No, sir, they never was married.
Q But they lived together as man and wife? A Yes, sir.
Q Were they acknowledged in the community as man and wife?
A Just about like the rest of them.
Q How long did they live together? A I don't know exactly, lived together a good while; they had some seven or eight children; five is dead; this youngest one is 15 years old; they must have lived together a good while.
Q They kept house did they? A Yes, sir, just like any other married people.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 30th day of April, 1901.

Commissioner.

Cherokee Freedmen D 186.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bell Scott as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 29, 1901, Mary Scott appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment, among others, of her minor child, Bell Scott, as a Cherokee Freedman. The application also included Mary Scott and Vina Sanders, but they are differently classified and are not embraced in this decision.

The evidence further shows that the applicant was about two years old at the date of this application and that she is the daughter of James Scott and Mary Scott. It does not appear that either James Scott, or Mary Scott, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. Neither the name of the applicant, nor the names of either of her parents are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Bell Scott as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

Cher.FR. R-68.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 19, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of MARY SCOTT as a Cherokee Freedman.

MARY SCOTT, being first duly sworn, testified as follows in her own behalf:

BY COMMISSION: What is your name? A Mary Scott.
Q Who is your father? A Tom Harlin.
Q Who is your mother? A Rachel Brown, my mother's name was.
Q Are your father and mother both living? A Yes sir.
Q Does your mother ever go by the name of Rachel LeFlore? A Yes sir
Q Was your mother married more than once? A Yes sir, married twice
Q What was her first husband's name? A First husband named Tom Harlin.
Q What is the next husband's name? A William Brown.
Q What is your age? A I don't know my age.
Q You were born since the war, were you? A I don't know when I was born, I can't tell.
Q What is your post office address? A Melvin.
Q What district do you live in? A Tahlequah.
Q Where were you living when you first remember?
A I lived with my mother all the time.
Q Where? A My mother lived in the Choctaw Nation, that is where I was living.
Q You were living in the Choctaw Nation at your earliest recollection? A Yes sir.
Q How long did you live there then? A I don't know sir, couldn't tell that.
Q Do you know when you came back to the Cherokee Nation?
A No sir, I don't know that either.
Q When did you marry? A I don't know, I couldn't tell that.
Q How many children have you? A Twelve, I aint got but two living.
Q What are their names? A Linnie Bell Scott and Lucy Scott.
Q Have you ever applied for them for enrollment as Cherokee freedmen? A This one I have (Linnie Bell Scott), but not this one (Lucy).
Q When was the youngest child born? A September.
Q Last year? A This year.
Q 1903? A Yes sir.
Q When was Linnie Bell Scott born? A January.
Q What year? A I forget now.
Q Last year? A No sir, she is going on four years old.
Q Where do you live now? A Tahlequah District.
Q How long have you been living there? A I don't know sir, I couldn't tell you.
Q What is your husband's name? A Jim Scott.
Q You don't know how long you have been married to him? A No sir.
Q You have been married to him long enough to have how many children?
A Five.
Q You have five children by your husband Jim Scott? A Yes sir.

TOM HARLIN, being first duly sworn, testified as follows on behalf of applicant:

BY COMMISSION: State your name? A Tom Harlin.
Q How old are you? A I am into my sixties.
Q Were you born before the war? A Yes sir, born before the war.

Q Are you acquainted with this applicant, Mary Scott? A Yes sir.
Q What relation is she to y u? A My daughter.
Q Who was her mother? A Rachel LeFlore. That's her owners name in the Choctaw Nation
Q Were you married to Rachel LeFlore? A I was living with her sort of like stook, just took up with her.
Q Were you living with her in slave times and during the war?
A Yes sir.
Q How old is Mary Scott? A She is something like along about 38 years old.
Q Was she born during the war or after the war?
A Born in 1864, during the war.
Q In 1864? A Yes sir.
Q Where was she born? A Born in the Choc taw Nation at a place they call Caddo Mission, I believe it was.
Q Who did she stay with from the time of herbirth up to the time she became of age? A She stayed with her mother a while, then she came here to the Nation and stayed a while, when she was about-
Q How long did she stay in the Choctaw Nation after she was born?
A I don't know exactly how longshe stayedthere, but she was a small girl when she come to me
Q Did she stay in the Choctaw Nation with her mother? A Yes sir.
Q Did she come back to the Cherokee Nation with her mother?
A No sir, she came with, another man fetched her here.
Q Who fetched her here? A A fellow named Jordan Thompson personally fetched her here.
Q When did he fetch her here to your house? A I don't know exactly what year it was.
Q How long after the close of the war? A I don't know that, how long. I don't recollect. I recollect mighty well when she returned, but I couldn't tell you just exactly what time she did come back.
Q You couldn't tell how many years after the closeof the war it was?
A No sir.
Q Where has she lived since that time? A She has been living right over here in Tahlequah District all the time. She hasbeen here pretty near thirty years since she hasbeen back here.
Q She has lived in Tahlequah District, in the Cherokee Nation, for more th thirty years? A I say I guess it is about t hat long since she has been living here.
Q During that time she never lived outside the CherokeemNation?
A No sir, when she came here, never went anywhere else. She drew her money with the Cherokee Freedmen twice, and never been no here else.
Q What payments did she draw? A One payment, we called it the Wallace payment, when she was enrolled.
Q What other payment did she draw? A The next one was the Strip.
Q Was that the Kern-Clifton payment? A Strip, yes sir. The last money that was paid out they disputed her before the court, and we just come to see what it was. She was disputed twice before this court, and we come here to seewhat it was.
Q When was she disputedthe first time? A Right when Clifton took the census. She was disputedthen by Hastings.
Q When was she disputed the next time? A The next time was before Mr. Needles here at Fort Gibson, and he said he r ejected her, and she went back home. She said her mother would have to make her a citizen of the Choctaw Nation. She written her to come here.
Q Rachel LeFlore was a Choctaw citizen? A Yes sir.
Q Is she still living? A Yes sir.
Q Does she make application in the Choctaw Division? A Yessir, she is living down there. I guess she has made it there, she is living there.

Q Are you on any of the Cherokee rolls? A Yes sir, I guess I am on every roll that has been enrolled.
Q Are you on the 1880 roll? A Yes sir. I don't guess there is a roll but what my name is on.
Q By whatname are you on the 1880 roll? A Tom Harlin.
Q What district were you livingin in 1880? A Tahlequah District.
Q Who were you living with? Did you have a wife at that time?
A My wife was named Luch Ann, she is dead now.
Q You and Lucy Ann were living together? A Yes sir.
Q Lucy Ann Harlin is dead? A Yes sir, she is dead.
Q Who else was living in your family in 1880?
A I hadsome children. John and
Q What were their names? A ~~John and~~ Darcus.
Q Was he a boy? A No sir, a girl
Q Any other children? A Joe, and Narcissus, she's next to the oldest, then Joe and Harry.
Q Any others? A I don't think any others was born. Some born since then.
Q What are your other children besides those you have named?
A Yes, another one, I think Jennie was living.
Q What other children have you, that you didn't name?
A Jennie and Ben.
Q Did you ever call Ben by any othernames besides Ben?
A Called him Ben.
Q Never called him Bena, did you? A No sir.
Q Have you any other children besides those you have named? Did you ever have ane by the name of Howard Harlin? A Yes sir.
Q Was he livingin 1880? A I guess he was. I just call those I recollect was born in 1880, and some born after 1880. I don't know whether Howard was born in 1880 or not. Some was born before 1880 and some after 1880. I go over all the names.
Q You and your wife and all these children you have named were living in Tahlequah District in 1880? A Yes sir.
Q When did your daughter marry? A She married in about, I don't know what time she married. She lived with Lewis Sanders first. I don't know exactly when she married him. I know they had about five children, I think.
Q What is the name of her children by Lewis Sanders? A Called one Viney, the others is small.
Q Has she got any children by Lewis Sanders? A They are all dead. There is six of them.
Q What husband did she marry after Lewis Sanders?
A Jim Scott, the man she is living with now.
Q How many children did she have by Jim Scott, which are still living? A Five by Jim.
Q How many still living? A Just two living now.
Q The youngest one was born this year, was it?
A Yes sir, about two months ago.
Q What is that one's name? A Lucy Scott.
Q How old is Linnie Bell Scott? A She is about four years old.
Q She is your daughter's child by Jim Scott? A Yes sir.
Q How does it happen that your daughter, Mary Scott, wasn't put on the 1880 roll? A I don't expect she was here at the time it was enrolled.
Q Where was she? A Might have been in the Choctaw Nation. She came here directly after one payment . They paid here in July and she came in August . I guess it was about the '80 payment.
Q You think she came here in August of the same year the 1880 roll was made? A Yes sir, that's what I think, about the time she came here, she came here right after the payment.
Q She came up to the Cherokee Nation from the Choctaw Nation right after the 1880 payment? A Yes sir.

Q Has she lived in the Cherokee Nation continuously ever since that?
A Ever since that. She hasnever applied for nothing nowheres but here.
Q Did she come to the Cherokee Nation after the census takers had been around? A Yes sir, I think that is the way it was. I think that's the reason she wasn't on the 1880 roll.
Q Why didn't you give hername to the census takers?
A I did when they came around the next time. You see she wasn't here at the time when I had my family enrolled.
Q You didn't give in her name when the census takers came around in 1880? A No sir, she wasn't right there with me. I just give in thenames they asked me.
Q Has your daughter, Mary Scott, ever lived out side of Indian Territory since she was born? A She hasnever livedoutside the Territory that I know of. She has livedin the Choctaw Nation. She came here when she was a girl and livedwith me, never lived in the states that I know of.
Q She wasn't of age when she came up from the Choctaw Nation in 1880
A No sir.
Q She was still a minor at that time? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since the close of the war? A Yes sir, right here, never lived anywhere ellse but in the Cherokee Nation. It has been my place continuously here ever sincethe close of the war. I went away from here and come back.
Q When did your wife, Lucy Ann Harlin, die? A I don't know what year it was in. She has been dead, I expect, about fourteen years, I reckon. I douldn't tell you. I did know but I have forgotten now.

MARY SCOTT, Recalled, testified as follows:

BY COMMISSION: Did you evermake application to this Commission for enrollment as a Choctaw freedman? A No sir.
Q OrChoctaw citizen? A No sir.
Q You have never made application to this Commission except for enrollment as a Cherokee freedman, have you? A That's all.
Q You don't claim any rights in the Choctawor Chickasaw Nations?
A No sir.
Q You don't claim any rights in any nation except in the Cherokee Nation? A That's all.
Q Whatis this child's name? A Linnie Bell.Scott.
Q Who is the father of this child? A James Scott.
Q You are the mother? A Yes sir.
Q What year was that child born, how many years ago?
A I couldn't tell you exactly. She is going on four years old.
Q What time of the year was she born? A In the winter, January 11th
Q Is she goingon four years? A She is going on four years.
Q She will be four years old next January? A Next January 11th.
Q On Freedman Card D-186we find the name of Belle Scott, two years old at that time, in 1901. That is the same child asthis child Linnie Bell Scott you have mentioned? A Yes sir.

Wm. Hutchinson, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 27th day of November, 1903.

Charles D. Sawyer
Notary Public.

FD 186 20

IN RE

Application for Enrollment of

INFANT CHILD

Linnie Bell Scott

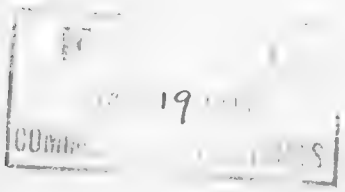
as a citizen of

CUSSETAH Nation.

Approved Nov 19 1903

Commissioner.

Listed for enrollment April 29, 1901, on Cher. Ir. card D 186, MPG



BIRTH AFFIDAVIT. 20 FD 186

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a ~~citizen of the~~ Cherokee Freedman ~~Nation~~,

of Lennie Bell Scott (Here insert name of child), born on the 11th day of January, 1900

Name of Father: James Scott, a ~~citizen of the~~ Cherokee Freedman ~~Nation~~.

Name of Mother: Mary Scott, a ~~citizen of the~~ Cherokee Freedman ~~Nation~~.

Post-office Melvin, Ind. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Western District.

I, Mary Scott, on oath state that I am about 38 years of age and a ~~citizen, by~~ Cherokee Freedman, ~~of the Nation~~; that I am the lawful wife of James Scott, who is a Cherokee Freedman ~~citizen, by of the Nation~~; that a female (Male or female) child was born to me on 11th day of January 1900; that said child has been named Lennie Bell Scott, and is now living.

her
Mary X Scott
mark

WITNESSES TO MARK: (Must be Two Witnesses)

Wm Hutchinson

Frank P Tucharner

Subscribed and sworn to before me this 19th day of November 1903

Charles N. Sawyer
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , a , on oath state that I attended on Mrs. , wife of , on the day of , ; that there was born to her on said date a (MALE OR FEMALE) child; that said child is now living and is said to have been named

WITNESSES TO MARK: (Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC.

20 FD186

CHEROKEE FREEDMAN.

IN RE

Application for Enrollment of

INFANT CHILD

Linnie Bell Scott.

as a citizen of

CHEROKEE Nation.

Approved December 8 1903

Commissioner.

Listed for enrollment.
April 29 1901

8

NOV 24 REC.

BIRTH AFFIDAVIT. 20 FD 186

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In Re Application for Enrollment, as a citizen of the Cherokee Nation,

of Linnie Bell Scott (Here insert name of child), born on the 11th day of January, 1900

Name of Father: James Scott a citizen of the Cherokee Nation.

Name of Mother: Mary Scott, a citizen of the Cherokee Nation.

Post-office Melvin, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, , on oath state that I am years of age and a citizen, by , of the Nation; that I am the lawful wife of , who is a citizen, by , of the Nation; that a (Male or female) child was born to me on day of ; that said child has been named , and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Susie Harlin, a Midwife, on oath state that I attended on Mrs. Mary Scott, wife of James Scott on the 11th day of January, 1900; that there was born to her on said date a female (MALE OR FEMALE) child; that said child is now living and is said to have been named Linnie Bell Scott

WITNESSES TO MARK:

(Must be Two Witnesses) Will Harris, Chas. Manning

Susie her X Harlin mark

Subscribed and sworn to before me this 21 day of November 1903.

D C Lang NOTARY PUBLIC.

My Com. Expires March 17-1907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Scott and Bell Scott as Cherokee Freedmen, consolidating the applications of--

Mary Scott, Cherokee Freedmen R-68,
Bell Scott, Cherokee Freedmen D-186.

DECISION.

The record herein shows that application for enrollment as Cherokee Freedmen was made to this Commission by Mary Scott for herself and her minor child, Bell Scott; that on July 1, 1902, the Commission rendered a decision in the case of Bell Scott, rejecting the applicant, which decision was not approved by the Department, but on December 2, 1903, the said case of Bell Scott was remanded by the Department, at the request of the Commission, for reconsideration.

The evidence shows that the applicant, Mary Scott, is [illegible] of Thomas Harlin, who is entitled on the 1880 authenticated Cherokee roll as a Cherokee Freedman. It is presumed from the enrollment that the said Thomas Harlin complied with all the provisions of the Cherokee treaty of 1866, and that the applicant, Mary Scott, having been born prior to the rebellion, acquired her tribal status as a Cherokee Freedman.

The evidence further shows that the applicant, Mary Scott, has continued to live in the Cherokee Nation from about the year 1880 up to and including the date of the application herein.

It further appears from the evidence herein that the minor child, Bell Scott, is a descendant of the said Mary Scott and that [illegible] was born in the Cherokee Nation in the year 1900, and has lived [illegible] therein from the date of her birth up to and including the date of said application.

It is, therefore, the decision of this Commission that the former action [illegible] Bell Scott be and the same is hereby recalled, and that Mary Scott and Bell Scott shall be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. B. Needleson

Commissioner.

Muskogee, Indian Territory,

Commissioner.

D187
186

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. James Scott,
Melvin, I.T.
Cherokee F-D-186
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee F.D-188

Muskogee, Indian Territory, July 10, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Mary Scott for the enrollment of her minor child, Bell Scott, as a Cherokee freedman, including the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-38

COPY.

Cherokee F. D-186

Muskogee, Indian Territory, July 10, 1903.

Mary Scott,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of your minor child, Bell Scott, as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-36

Register.

COPY

Cherokee P.D-184

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Mary Scott for the enrollment of her minor child, Bell Scott, as a Cherokee freedman.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. 1-37

Cherokee Freedmen
R-68.

Muskogee, Indian Territory, October 17, 1903.

Mary Scott,

Melvin, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before a decision can be prepared in your case, further testimony is required as to the 1880 enrollment of your father, and also as to your residence in the Cherokee Nation since birth.

You are thereforehereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner.

Cherokee Freedmen D-186.

Muskogee, Indian Territory, November 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

In Cherokee Freedmen D 186, Bell Scott, the record in which case, including the Commission's decision of July 1, 1903, rejecting the applicant, was forwarded to the Department for approval on July 10, 1903, it is respectfully requested that this record be returned to the Commission, it having been ascertained that this child is the descendant of a person on the 1880 authenticated Cherokee roll.

Respectfully,

Chairman.

(Copy)

Refer in reply to the following:

Land: 76,129-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Dec .5,1903.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated November 21,1903, requesting that the record relative to the application of Bell Scott for enrollment as a Cherokee be returned, it having been ascertained that she is the descendant of a person whose name appears on the 1880 roll.

I have the honor to advise you that by letter of even date, the record in the case mentioned was returned to the Commission.

Very respectfully,

W.A.Jones,

Commissioner.

(W.A.W.)P .

Land
76189-1903

(Copy)
CFL

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, Dec. 5, 1903.

The Commission

to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

In compliance with the request contained in your communication of November 21, 1903, the record relative to the application of Will Scott for enrollment as a Cherokee, is returned herewith.

Very respectfully,

(Signed) W. A. JONES,

Commissioner.

(...) .

..C. .

D . C. 34471-1903. FHM. LRS.

I.T.D. 8638-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 11,1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of a report from the Commissioner of Indian Affairs dated December 5, 1903, inclosing your request dated November 21,1903, that the record relative to the application of Bell Scott for enrollment as a Cherokee be returned, it having been ascertained that she is the descendant of a person whose name appears on the 1880 roll.

The Commissioner reports that by letter of December 5, the record in said case was returned to you.

The action of the Commission in this case is approved.

Respectfully,

(Signed) Thos.Ryan,

Acting Secretary.

Cherokee Freedmen
R-68 & D-186.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of Mary Scott for the enrollment of herself and her child, Bell Scott, as Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Inc. D-25.

Cherokee Freedmen
D-186 & R-68.

Muskogee, Indian Territory, May 19, 1904.

Mary Scott,

Melvin, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for the enrollment of yourself and your daughter, Bell Scott, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Register

Enc. D-56.

Muskogee, Indian Territory, July 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In order to complete the files of the Department there are enclosed herewith the records of proceedings had in the Cherokee freedmen cases of Emily Thompson, D.73 (now 1441), and the consolidated applications of Mary Scott, R.68 (now 1351), and Bell Scott, D.186 (now 1351).

In the case of Emily Thompson, the Commission to the Five Civilized Tribes, on July 10, 1905, rendered its decision favorable to the applicant, and the decision, together with the record in the case was transmitted to the Department, the Cherokee Nation protesting against the Commission's action. The Department, April 6, 1904, (I.T.D. 1812-04) remanded the case to the Commission for rehearing and readjudication. On January 16, 1905, the Commission again rendered its decision favorable to the applicant and on that date furnished the Attorneys for the Cherokee Nation a copy of its decision and advised that they would be allowed fifteen days from that date within which to file such protest as they desired to make against the Commission's action,

and that if they failed to file a protest within the time allowed, a decision favorable to the applicant would be considered final. As the Attorneys for the Cherokee Nation entered no protest against the Commission's decision, the name of Emily Thompson was included in a schedule of Cherokee freedman and approved by the Secretary of the Interior April 19, 1906, opposite No. 3922.

In the consolidated cases of Mary Scott and Bell Scott, the Commission to the Five Civilized Tribes on July 1, 1903, rendered its decision adverse to Bell Scott, and on July 29, 1903, the decision, together with the record of proceedings had in the case was forwarded to the Department. On December 5, 1903, (Land 76129-03), in compliance with the request of the Commission to the Five Civilized Tribes, the Commissioner of Indian Affairs returned the record in the matter of the application for the enrollment of Bell Scott, and the action of the Commission in requesting the return of the record was, on December 11, 1903 (I.T.D.-8638-03), approved by the Department. The Commission, on April 26, 1904, consolidating the applications for the enrollment of Mary Scott and Bell Scott, rendered its decision favorable to the applicants and a copy of its decision was, on April 29, 1904, served on the Attorneys for the Cherokee Nation with the advice that they would be allowed fifteen days from that date within which to file such protest as they desired to make

against the action of the Commission, and that if they failed to file protest within the time allowed, the decision of the Commission would be considered final. As the Attorneys for the Cherokee Nation failed to file protest, the names of Mary Scott and Bell Scott were included in a schedule of Cherokee freedmen and approved by the Department November 16, 1904, opposite Nos. 3722 and 3723.

It has been the intention of the Commission and this office to return to the Department, for its action thereon and to be retained in its files, the records in all Cherokee citizenship cases where the records were once before the Department and remanded to this office for reconsideration. All of the Cherokee enrollment records have been examined and the two records herewith transmitted are all that can be found which were once before the Department and remanded but the records not returned to the Department.

Respectfully,

M.A.Encl. 25-5. Commissioner.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,

LAND Office of Indian Affairs.

64728-1906. WASHINGTON.

January 12, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter (I.T.D.1812-1904, I.T.D. 2900-1903, and I.T.D. 8638-1903), there is enclosed a report from the Commissioner to the Five Civilized Tribes, dated July 25, 1906, transmitting the records relative to the applications of Emily Thompson and of Mary Scott, et al., for enrollment as Cherokee freedmen.

On April 15, 1901, Emily Thompson applied to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman.

On April 29,1901, Mary Scott applied for such enrollment for herself and her minor child, Bell Scott.

On January 16, 1905, the Commission held that Emily Thompson was entitled to be enrolled as a Cherokee freedman. on April 20, 1904, the Commission decided that Mary and Bell Scott should be enrolled as Cherokee freedmen.

Emily Thompson is identified on the 1896 Cherokee census roll. The record shows that she was a slave of a Cherokee

citizen and resided continuously in the Cherokee Nation until 1879 when she left that nation and did not return until 1895. Since that date she has resided in the wation. It is also shown that she owned property in the Cherokee Nation during her absence.

In view of the decision of the Department (I.T.D.2900-1903) in the case of Joseph D. veargain, et al., the decision of the Commissioner favorable to the applicant, Emily Thompson, is recommended for approval.

Mary Scott is the daughter of Thomas Harlin, identified on the 1880 authenticated roll of Cherokee freedmen, and has resided in the Cherokee Nation since 1880. Bell Scott is the daughter of Mary Scott and was born in the Cherokee Nation in 1900 and has resided there since that date.

In view of Section 3 of the act of April 26, 1906 (34 Stat. L. 137), the decision of the Commissioner favorable to these applicants is recommended for approval.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

HRD

C

JfJr.

DEPARTMENT OF THE INTERIOR, S.P.

D.C. 10292-1907
I.T.D876-1907.

WASHINGTON.

LRS.

February 14, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On January 12, 1907 (Land 64728-06), the Indian Office transmitted your report forwarding, to complete the files of the Department, the records of proceedings had in the Cherokee freedman cases of Emily Thompson (D 73 now 1441) and the consolidated applications of Mary Scott (R 68 now 1351) and Bell Scott (D 186 now 1351).

It appears that the Commission to the Five Civilized Tribes has rendered decisions favorable to these applicants and that the attorneys for the Cherokee Nation have entered no protest against the Commission's decisions.

Said applicants have accordingly been enrolled upon the schedules of Cherokee freedmen opposite Nos. 3922, 3722 and 3723, which schedules have been heretofore approved by the Department.

The Department acknowledges receipt of the records

in said cases and you are advised that they have been returned this day to the Indian Office for its files.

A copy of Indian Office letter is enclosed.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

1 inc. and
3 to Ind. Of.

Through the Commissioner
of Indian Affairs.

AHMc
2-15-07.

Cher Fr 1352

Cher Fr 1352

[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Ft. Gibson, I. T., April 18, 1901.

In the matter of the application of John Foreman for the enrollment of his child, Mattie Foreman, as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A John Foreman.
Q How old are you? A 37.
Q What is your postoffice? A Bowata.
Q In what district do you live? A Goowesscoowee.
Q Who is it you want to enroll: a child? A Yes sir.
Q You have been enrolled yourself? A Yes.
Q What is the name of your child? A Mattie Foreman.
Q How old is the child? A Seven years old.
Q This child living now, is it? A Yes sir.
Q Where is the child living? A She lives near Tulsa, in Goowescoowee District.
Q Not living with you? A No sir.
Q With some of your kin folks? A Yes sir.
Q Give me the name of the mother of this child? A Maggie Foreman.
Q She's dead is she? A Yes sir.
Q How long has she been dead? A Four years.
Q How old was she when she died? A 22, I believe.
Q How many times was she married? A One time.
Q Just to you? A Yes sir.
Q What was the name of her father? A Allen Haines.
Q Is he dead? A Yes sir.
Q Give me the name of her mother. A I don't know her mother's name.
Q She's dead too, is she? A Yes s r.
Q When were you and your wife, Maggie married? A Its been eight years ago.
Q She was a Cherokee Freedman herself? A No sir.
Q Were you ever married before you married her? A No sir.
Q Was she ever married before she married you? A No sir.
Q Who here knows that you were married to this woman, Maggie?
A I don't see anybody that knows.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 607, No. 228, Johnie Foreman, Sequoyah District.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicants are found thereon as follows:
Page 402, No. 131, John Foreman, Goowescoowee District.
Page 402, No. 132, Mattie Foreman, Goowescoowee District.

Applicant states: I want to correct my testimony-
Q You want to correct your testimony? A Yes sir.
Q I understand you to say now that Maggie Haines is not the mother of this child? A She was the mother of this child, but not my wife.
Q Who was your wife at that time? A Dockie Low.
Q Then you weren't really married to Maggie Haines? A No sir.
Q You never were lawfully married to Maggie Haines? A No sir: I was married to Dockie Low.

The applicant applies for the enrollment of a child, Mattie Foreman, age given as seven years. In the course of his testimony, he develops that the mother of this child was not his wife, nor was she a Cherokee citizen; his wife at the time the child was born was one Dockie Low, and the mother of the child, Maggie Haines, who he states was not a Cherokee citizen. The child is identified on the roll of 1896, and is living now, but inasmuch as there was not a marriage of

any

D. S. T.

my character [illegible] father and mother of the child, the application [illegible] enrollment to blood for [illegible]. The [illegible] my knowledge on the rolls of 1896 and 1898, of [illegible] been enrolled, but his right of citizenship [illegible] to account to,this child; it being born out of [illegible].

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 17th day of April, 1901.

[illegible]
Commissioner.

epart e t o' the Interior,
on issio to the Five Civilized Tribes,
Fort Gibson, I. T., April 16, 1901.

In the matter o the application of eorgia Foreman for
e ro ment of herself and t o children as Cherokee freedmen.

orgia oreman, being duly sworn and examined by
is orney, testified as follows:

ive
ow
ow
In
o
ow lo
ow lo
ow lo
as
ow lo
ow
ow
ow

ow old is that child? A She is 11 years old.
Give me the name of the next child? A Marcus Trainor.
ow old is that child? A 5 years old.
Were you ever married to a man named Trainor? A No sir.
Is that your own child? A Yes sir.
Not an adopted child?
o sir, he was enrolled on the Kuwhimsher roll as Trainor.
ow old is your husband, John Foreman?
He is 27 I believe, or 28 this coming fall.
Give me the name of his mother? A Harrison Foreman.
Is he dead? A No sir.
Give me the name of your husband's mother? A Caroline Foreman.
Is she dead? A No sir.
Was your husband lived in the Cherokee Nation all his life?
Yes sir.
Are these two children not living now that you have given me here
Yes sir.
Do you want your child Marcus Trainor enrolled under your present name, or that of Foreman or Brown?
A I would rather they would put it the same.
Mr. Brown was known at the time that child was born? A Yes sir.
Your mother was married before she was named Oldsby, was she?
Yes sir.
And she kept the name of Beck when she enrolled in 1896?
es sir.
You are on the roll of 1880 as Georgia Beck? A Yes sir.

The identified roll of Cherokee freedmen examined and the applicant identified thereon, page 312, No. 309, Illinois district, as Georgia Allen Beck; no age or nationality given.

John Foreman on 1880 Cherokee roll page 98, No. 132, Sequoyah district, as Johnie Foreman, native Cherokee; note on roll of white intermarried, "Prior reliable information this family are of negro descent."

What was your name in 1896?
It was Brown, my mother enrolled me then.

The 1896 Cherokee roll of Cherokee freedmen examined, and the applicant identified thereon, page 39", No. 47, Coowescoowee district as Intruce Brown; Marcus Brown on page 402, No. 870, Coowescoowee district, as Art Trainor; Leon Brown on page 403, No. 161, Coowescoowee district, (all Brown, on 1896 roll, enrolled with mother Lucy.)

What has become of that child Lattie Brown?
Her people have Lattie, that is the child.
Her people will enroll that child?
Yes sir, or he will, don't know which.
Who is this child now living with?
It is living close to Tulsa, but I don't know just who with; some of its mother's people, I haven't seen it since it was about six or seven years old; I think it's better to enroll it.

James J. Davenport, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A James J. Davenport.
Q How old are you? A 38 years.
Q What is your postoffice? A Vinita.
Q You are one of the representatives of the Cherokee Nation in the Council? A Yes sir.
Q Do you know this woman, Georgia M. Foreman?
A Yes sir, I know her.
Q How long have you known her?
A I have known her about 8 or 10 years, something like that.
Q Do you know of her ever having been married to a man named Brown?
A I know it was represented that they was married, and they lived together as husband and wife; I know of Brown; I know it was reported that she married Brown.
Q Prior to the time she married Foreman? A Yes sir.
Q Do you know before she married Brown?
A Well, I don't know whether before she married Brown, but her mother enrolled her as one of Coldsby or Beck, either one.
Q Do you know she was enrolled as Coldsby or Beck? A Yes sir.
Q Do you know about her having a child before she married Foreman and after she married Brown?
A Yes sir, she had a child, I recollect she was married at Tahlequah; the child was an infant, and only one or two months old, along in 1889 or the latter part of 1890.
Q What did she call the child?
A She called her name Georgia Brown, herself when it was born.
Q She gives the name of the child as Arcus Trainor, and says that it is her child and she wants it enrolled under the name she bore at the time it was born, Lucy Brown?
A She has two children at that time, there is no doubt about it.
Q You believe it is her child?
A She has it married at that time; she represented it to be her child.
Q It was born and recognized as her child? A Yes sir.

Commissioner Breckinridge: I am about ready to close for the enrollment of myself and children, and in the course of the application it is considered advisable to include the application of other husband.

The applicant is identified on the rolls of 1880 and 1890, on the first roll without a statement of nationality, and on the latter roll as Cherokee freedman, her classification she claims. [illegible] arising from marriage are explained in satisfactory manner [illegible] for oral testimony; [illegible] to have lived [illegible] portion of her life, [illegible] before she married [illegible] as a Cherokee freedman. [illegible], with a child [illegible] roll of 1880 as a freedman, [illegible] believed to be said to have lived [illegible] freedman. He is will [illegible] listed for enrollment as a Cherokee freedman. The child Georgia Brown is identified on the roll of 1880, is living and will be listed for enrollment as Cherokee freedman. The child Arcus Brown is identified on the roll of 1880 as Arcus Trainor. [illegible] own [illegible] testify [illegible] that [illegible] is the natural child of the applicant, and she desires that the child be enrolled under the name that appeared the time it was born. It is living and this child will not be listed for enrollment as a

Cherokee freedman under the name of Marcus Brown.

-:----------:-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 16th of April, 1901.

(signed) T. B. Needles.

Commissioner.

-:---------- :-

I, the undersigned, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I copied the above and foregoing and that the same is a true and correct copy of the original.

Marcus & D'Bois

Sworn to and subscribed before me this 25th day of January, 1904.

Edward Merrick.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 16 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 16 1901

Post Office Tulsa IT

District Cooweescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owners name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father John Foreman Citizenship .....

Mother Margaret Haynes dead Citizenship .....

Names of Children:

3. Mattie Foreman Year 1896 Page 413 No. 7 Dist. 7

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Rejected

Application made by John Foreman Stenographer C. G. Thompson

Cherokee Freedmen R-46.

DEPA T.ENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mattie Foreman as a Cherokee freedman.

O R D E R

It is ordered by this Commission that the proceedings had at Fort Gibson, Indian Territory, on April 16, 1901, in the matter of the application of John Foreman et al., for enrollment as Cherokee freedmen, be filed with and made a part of the record in this case.

Commissioner.

Muskogee, Indian Territory,
this January 25th, 1904.

Cherokee roed on K-4.

[illegible]

In [illegible] roll and of Hattie Foreman as a Cherokee freedman.

D E C I S I O N.

The record in this case shows that on April 16, 1901, John Foreman appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of Hattie Foreman as a Cherokee freedman. Proceedings had at Fort Gibson, Indian Territory, on April 16, 1901, in the matter of the application of John Foreman et al., for enrollment as Cherokee freedmen, are filed with and made a part of the record herein.

The evidence shows that John Foreman is a Cherokee freedman and identified on the Cherokee authenticated roll of 1880. It is further shown that the applicant, Hattie Foreman, is his minor child by one Martin Jones, a non-citizen.

The evidence shows that John Foreman has lived in the Cherokee Nation all his life and it is considered that the minor applicant has lived therein continuously since birth.

It is, therefore, the opinion of the Commission that, following the decision of the Department in the case of Alice E. Ross et al., (I.T.D. 3058, 3059-1901), Hattie Foreman should be enrolled as a Cherokee freedman, in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

[illegible]

Chairman.

Commissioner.

Commissioner.

Washington, D.C., [illegible] Commissioner.

this [illegible]

Cherokee Freedmen
R-46.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting the application of John Foreman for the enrollment of Mattie Foreman as a Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnsih the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-22.

Chairman.

Cherokee Freedmen
R-46.

Muskogee, Indian Territory, May 19, 1904.

John Foreman,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, granting your application for the enrollment of Mattie Foreman as a Cherokee freedman.

Respectfully,

Register

Commissioner in Charge.

Enc. D-54.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
C F 1352

Muskogee, Indian Territory, December 8, 1904.

John Foreman,
Tulsa, I. T.,

Dear Sir:

You are hereby advised that the name of your minor child, Mattie Foreman, appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.



Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.





Cher FR 1353 William Walker

See Cher FR 1354 - [redacted] Del 292

Cher FR 1353

B
X D428

COMMISSION TO THE FIVE CIVILIZED
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901

Post Office Nowata I.T.

District Coo

1. Name Spencer Nelson Age 57

Owner's name Same Citizenship Cherokee

Year 1880 Page 164 No. 1064 District Coo

Parents:

Father Citizenship

Mother Lucinda Francis – dead Citizenship Cher. Freedman

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

On Cherokee roll, Page 50 #393 Wm Webber Coo

X Mark

Witnesses to mark [illegible] Smith.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Webber et al., as Cherokee Freedmen, consolidating the applications of

William Webber, ... Cherokee Freedmen D. 928
Birt Henderson, ... Cherokee Freedmen D. 943.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by William Webber for himself and by Birt Henderson for himself. Copies of the testimony taken at various times in the following Cherokee Freedmen cases, viz: George Starr, et al, Ben French, Jane Kernel, Russell Henderson, Edward Wright, Elizabeth Meigs, et al, Samuel Beck, Aaron Webber and Joe Ross, are made a part of the record herein.

The evidence shows that the applicant William Webber was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion but returned to the Cherokee Nation, with his mother, Lucinda French, prior to January 19, 1867.

The evidence further shows that the applicant Birt Henderson was born since 1866 and is a son of Rachael Henderson (formerly Webber), who was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion but returned thereto prior to January 19, 1867, with the said William Webber and Lucinda French.

The evidence further shows that William Webber has resided continuously in the Cherokee Nation since 1866, and that Birt Henderson has resided in said Nation all his life.

It is, therefore, the opinion of this Commission that William Webber and Birt Henderson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

T. B. Needles

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 1904

File with D.D.-220. William Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22nd, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you what to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Q Were you a slave in the Cherokee Nation at the beginning of the war?
A Yes, sir.
Q Who were your owners? A Look Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor creek, close to Billy Leedy's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q Do you own a place on the Public Domain of the Cherokee Nation?
A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hills.
Q Was that before or after the war? A During the war.

Q When did you first see him in Kansas? A I went to Kansas with him.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Nelson?
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister, Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then, A Yes, sir, I think she was.
Q Who else came? A Eveline.
Q What? A I don,t know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well, who else came? A The Naves.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters the time you come? A He made 2 or 3 trips and the last time he came with his sisters.
Q Was that the trip you came on? A Yes, sir.
Q If he had a family then, it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we came, but we come in that direction.
Q Did you stop at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Parker? A No, sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q Q You went right on there did you? A No, sir, we stopped a few days at the Rider place at Loodey's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Bill Loodey live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Ker Clifton Commission five years ago didn't you? A Yes, sir, I think so.
Q You made a statement before that Commission? A Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No, sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? First,how long did you stay on Pryor Creek?
A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Mose Nave place.
Q How long did you stay on the Mose Nave place? A I went to his house, that was my stepfather and I staid there.

Q Who were some of Moze Mave's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Moze Mave live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Veland.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand River, when you were working there?
Q Went back to 14 Mile Creek.
Q Then for the first few years after the war you lived on Grand River and 14 Mikmx Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there aft er the war? A I think it was in '87.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You knew him? A Yes, sir.
Q Where were you married? A On Lightning Creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your eldest child, George Starr Jr., where was he born? A On Lightning Creek.
Q Did you and your wife ever keep house in parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Cal Coker? A No, sir, I don't know him.
Q What were your wife's folks' names? A Johnson and Loedeys.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q In that one house? A No, sir, in several houses.

Q Did you make a place of your own there? A Yes, sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette:

Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes, sir.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:

Q Was she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A I don't know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes, sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No.3661, George Starr, Coowescoowee district.
Page 148 No.3662, Arthur Starr, "

Wallace roll examined and the applicants identified as follows-
Page 140 No.2940, George Starr, Coowescoowee district.
Page 140 No.2942, Arthur Starr, "

Dave French called and sworn as a witness for the applicant, testified as follows.

By Mellette:

Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Gooseneck Bend, this side.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Do you know this applicant? A Yes, sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes, sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes, sir.
Q When was this applicant taken to, during the war? A To Kansas.
Q How did he leave? A He came with me.
Q How do you know? A He came with me.
Q Where did he go when he come that time? A I left him at Tom Rider's on Grand River, Uncle Billy Leeday lived there then.
Q Where has he been since? A On Lightning Creek and 14 Mile Creek.

By Hastings:

Where did you first see the applicant just before the war? A In Flint District.

Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes, sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loeday? A Yes, sir.
Q You didn't testify for him before the Kern Clifton Commission?
Q No, sir.
Q You had been down here before you brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Hadyou made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she stayed there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Carolina, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann plave in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring creek and we moved them to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes. A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her?
A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn't born.
Q Where was the oldest child born? A On Salisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring of '70.
Q Where? A On Grand River.
Q The time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free, didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may by, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home. that was my business up there.
Q How long did you stay with your wife when you took her back from to Fort Scott? A I don't know.
Q You knew more about this fellow than you did about your wife? A (No response)
Q Who did this fellow stay with on 14 Mile Creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Gooseneck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave, and Ruben come with you? A No, sir, they came before that in the spring and were here on 14 Mile creek then.

Continued by Stenographer M. D. Green this 22d of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED,-former portion of this case taken by stenog. C. von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee freedmen:

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY. MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes, sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married?
Q She was living on Lightning Creek, on Pryor's creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married?
Q It has been about, my judgment about 30 years.

BY. MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q YOU knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I went away.
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
Q I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes, sir.
Q A farm over there? A Yes, sir.
Q They were living at that place were they? A Yes, sir.
Q Who came with this fellow down there to Pryor Creek when you saw him?
Q Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was two more women along with him.
Q You didn't testify for this man five years ago? A No, sir.

Q Although you knew him in the fall of '66? A Yes, sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No, sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes, sir, I knew it was that fall of '66.
Q You knew that ~~xxx~~ 5 years ago too? A Yes, sir, I knew it 5 years ago, if you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loeday sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about five years I guess.

Applicant, GEORGE STARR, recalled, and further examined:

BY MR. HASTINGS:
Q Have you been married a secon time? A Yes, sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes, sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their postoffice address when it is arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr, et al., C.F.D.813.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24th, 1901.

In the matter of the application of George Starr, et al., C.F.D.813.

SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation.
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By MR. Bell)

Q Your name? A George Musgrove?
Q Your age? A About 65.
Q Where do you live, your postoffice? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes, sir.
Q Are you acquainted with one George Starr, a stepson of Mose Nave?
Q Yes, sir.
Q How long have you known him? A Got acquainted with him--- let me see--- let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes, sir.
Q How came you to find him in Parsons, Kansas? A I was out hunting a mule, some fellow had stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away after before the Wallace payment.
Q In 1866, where did you live? A I lived on Verdigris, on Gooseneck Bend.
Q Right after the war? A No, sir, right after the war I lived on Grand River.
Q The year after the war? A Yes, sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand River did you live on? A On 14 Mile Creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that you lived within half a mile of Mose Nave, did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I can't say exactly, '67 wasn't it?
Q You are the one to know. You don't know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes, sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons, Kansas.
Q Where did you come from Parsons? A I went to Oswego and from

Q [illegible] sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.

Oswego to Chetopa and then come back home on down Cabin Creek.
Q Did you come by Vinita? A No, sir, just come along on Cabin Creek.
Q How did you travel from Parsons? A Horseback.
Q Did you come on the railroad? A No, sir, from Parsons to Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you come from Parsons here, where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Gooseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Mose Nave's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there?
Q No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir.
Q This M. K. & T. was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a stepson of Mose Nave? A Yes, sir.
Q You was about Fort Gibson in '66 and '7? A Yes, sir.
Q And didn't see anything of him? A No, sir.
Q Did you go much about Mose Nave's then? A Yes, sir, every day or so.
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time?

(By Smith)

Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? What makes you say it was in '69 you went to hunt your mule if you don't know dates? A I was living up here then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.

Q Then you don't know when it was or do you still say it was '69?
A I never said---- I don't have to answer less I want to.
Q What was that? A I never said nothing to you.
Q Well, I want you to say something to me. A You just brummell a fellow around here like he don,t know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and swern to before me this 25th of October, 1901.

C. R. Breckinridge,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell.

Subscribed and sworn to before me this 28th day of July, 1902.

Bruce C. Jones

Notary Public.

To be filed with N. D.-226.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25, 1901.

In the matter of the application of Jane Kernal for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Wave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Wave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at the time to this Mary Wave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 106 #2260 Jane Colenel, Salin District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back here until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.
Q How lond did you remain there? A I don't know sir.

Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.
Q Who did you go with down there? A With my brother and sister, brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was going on.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation
A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed thereawhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up untilhe died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Have.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek Nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we came back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you got there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the martha Vann place? A I don't know exactly, no more than two or three hundred yards.
Q You had known him before the war? A Yes sir.

Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died, in the Cherokee Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R NEEDLES:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You knew old Abe Kernel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Eveline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Saline? A Went to 14 Mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant? A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. HASTINGS:
Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right, I have got to get it in every case you know, you people must understand that? A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Eveline and the next one was named Jane, Jane Wave and Eveline Wave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Beardon
Q Who else? A Her husband, Ryh Beardon.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just knew it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was her husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek Nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You knew what time of the year it was? A I told you it was in the spring or summer, sometime in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a mannamed Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war? A Yes sir.
Q You can't say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:
Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, and her husband, I don't recollect how many was along, it has been so long I can't think.
Q You remember whether George Starr was along? A George Starr was along with us.
Q Where did you first come to, what point in the Cherokee Nation?
A We first struck the Cherokee Nation down below Chetopa.
Q I mean where did you come to? A Timbered Hill.
Q What time of the year did you say that was? A That was in the first part of the summer, springlike, I don't know what month it was.
Q Of what year? A '66.
BY MR. HASTINGS:
Q How far was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.
Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.
Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.
Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.
Q Good piece? A I don't say a good piece, it is a piece though.
Q You know how far it is from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know how far it is.
Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.
Q Did you come through Chetopa? A I guess we did, I think we did anyway.
Q That is your best judgment? A Yes sir.
Q You know what sized place it was? A I don't know, didn't take no notice.
Q About how many stores there? A I don't know, I didn't look.
Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.
Q You don't know what sized place it was? A I don't, I know it was Chetopa, small town, I don't know how large.
Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the Nation and stopped.

Com'r Needles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returned in '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 813, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

---oooOOOooo---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this July 8, 1901.

(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.
By Com'r Needles,
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette-
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Keek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave Fronch.
Q Where did you first see him? A Went to Kansas with him and came back with him.

Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q What she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you came? A He made 2 or 3 trips, the the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loodey's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Loody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr Creek, how long did you stay there? (First, how long did you stay on Pryor Creek? A We came there in November, and left there in December.
Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile creek? A Rose Dave place.

Q How long did you stay on the Moss Rave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Moss Rave's neighbors then? A I dont know exactly, there was Steven Taylor and his family..
Q Colored man or a Cherokee ? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Moss Rave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 87.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldest child, George Starr, Jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on thattrip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you get on the train? A At Cheuteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Sal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loody's.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes sir.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A A man named Malone.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1881.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No. 2461, George Starr, Cooweescoowee district;
page 148 No. 2462, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
page 140 No. 2940, George Starr, Cooweescoowee district.
page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Cooweescoowee Bend, this side.
Q Is the Cherokee nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir, he was Sook Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come with me.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Looney lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war? A In Saint district.
Q How far from you? A 6 or 7 miles.
Q Where did you see him next? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come ? A Yes sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the negroes, they were along.
Q Did you have your family with you then? A No sir.
Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.

Q You left him with uncle Billy Lockley? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A
Yes sir.
Q How many trips had you made before you brought him? A I dont
know.
Q Had you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw
him several times after that.
Q Were you married when you came down with him? A I told you be-
fore how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I
had a woman.
Q Where was that woman when you brought this boy down ? A She was
in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there
until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back,
some one else brought her back to me on Grand river after I got
settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other
side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers,
she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A
In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that
Houston Rogers brought her back, I told her to hire some one to
bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie
Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring
creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '68.
Q You say she was in Fort Gibson? A Yes sir she was out with a
hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
A How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Sam Bill, Andy, Jenny, Caroline, Ellen, Louisa,
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the eldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring
on '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.

Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I suppose I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Falls?
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You know more about this fellow than you did about your wife? A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Rose Rave.
Q Were you ever there after the war and saw this man there?
A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Geese Hook Bend and he lived on Lightning creek.
Q How long has he been living on Lightning creek? A I dont know.

By Mallette:
Q When you brought this applicant George Starr, who of the Raves came with you? A My two sisters, and Rose Rave and his wife.
Q Did the Rave boys, George, Dave and Ruben come with you? A No sir they came before that in the spring and were on 14 mile creek then.

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. van Vleet, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas.van Vleet.

Subscribed and sworn to before me this the 8th of July, 1901.

(Signed) T.B.Needles,
Commissioner.

CONTINUED,-former portion of this case taken by steneg.C.vanVleet:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee freedmen.
FRANK ROSE, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mallette, of Mallette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 34 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryer's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryer's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living to gether as man and wife after that A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryer Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You know that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.

Q What was your father's name? A Bill, they called him William Leedy sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along a bout the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get legs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address when it is arrived at.

---oooOOOooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed)T.B.Needles,
Commissioner.

---oooOOOooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

(signed)M.D.Green.

Subscribed and sworn to before me this August 26th, 1901.

(Signed) T.B.Needles,
Commissioner.

---oooOOOooo---

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original.

H M Vance

Subscribed and sworn to before me this 29th day of July 1902.

Bruce B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. F. D. 813.

SUPPLEMENTAL TESTIMONY.

Appearances:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 55.
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Rave?
A Yes sir.
Q How long have you known him? A Getacquainted with him--let me see--let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How come you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Goose-neck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Rave? A About half a mile.
Q During these two years that lived within half a mile of Mose Rave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I road along the railroad.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go them, back to where you were living? A I went back to Goosenock Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I

guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Rose Waves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Rose Wave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn'tn't see anything of him? A No sir.
Q Did you go much about Rose Waves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.

(By Smith)

Q How far did Rose Wave live from Fort Gibson? A ½ miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Rose Wave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time, be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said--I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brummell a fellow around here like he dont know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

(signed) C. R. Breckinridge,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of Jane Harnel for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-886.

APPEARANCES:
Lewis T. Brown for applicant,
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedmen Doubtful 818 be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Creninger.

Subscribed and sworn to before me this 3d day of July, 1902.

(signed) P. G. Reuter,
Notary Public.

(Seal)

xxxxxxxxxxxx

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce G Jones
Notary Public.

To be filed with Jane Kernal Jr. D-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 28, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave, Jr.
Q How old are you? A I am about 43 or '4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
Q Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes, sir.
Q What are their names? A Dave, Reuben and George.
Q How do you remember anything about coming back from Kansas after the war? A Yes, sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes, sir.
Q What about your father and mother? A They came too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No, sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes, sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that name? A Yes, sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 168 #8848 Wash Nave, Tahlequah Dist., 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 122 #2764 Wash Nave, Coowescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war, do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand River.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Tumm place; Bill Leody was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 43 or '4, I don't just know exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? I was 7 or 8 years old.
Q Who came along with you? A I don't recollect just exactly who did, there was one family came with us that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes, sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash and your mother Mariah? A Yes, sir.
Q They were along were they? A Yes, sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was anyone with Dave or not? A He was with us.
Q Did he come in your wagon, or do you remember? A I don't remember whether he came in the wagon with us or not.
Q Was his family along ex xxx ? A No, sir.
Q Where did you come from? A We came from near Neosho Falls.
Q What time in the year was it? A It was in the Spring, I don't know exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes, sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on creeks.
Q Camped over nights? A Yes, sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes, sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.

Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No, sir.
Q Did you stay there you think as long as three months? A I don't know exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Webb, did you stay there months or? A I don't know just how long we stayed there.
Q Did you summer there? A No, sir, we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand River and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walter Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about three miles above the Vann place, on Grand River.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No, sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No, sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We came back over to the Tom Rider place, to Bill Leedy's.
Q How long did you stay at the Tom Rider place? A We stayed there quite a little bit.
Q Was that in the summer? A Yes, sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No, sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand River.
Q How long did you stay there? A We stayed there, I don,t know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes, sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Rose Mayes.
Q Was Rose Mayes colored? A Yes, sir.
Q Whose place was it? A On what is known as the Arch Belew place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner ever to that place.
Q On the east side of the river was it? A Yes, sir, it is on the east side of the Grand River.
Q Did you winter there that winter? A No, sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We came to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes, sir.
Q Did you settle down there? Yes, sir, we wintered there.
Q You wintered there in the early part of '67? A Yes, sir.
Q Were there any Cherokees living there at that Vann place then?
A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made a crop there.
Q You made a crop there in '67 and another in '68? A Yes, sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNED UNTIL THE HOUR OF 1 P.M.

1 P.M.- This case continued; applicant on the stand,- examined BY MR. EASTERDAY:

Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No, sir.
Q Never heard him say about that? A No, sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. EASTERDAY:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Geesenack Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedmen or a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Wash Rave? A Yes, sir.
Q Did you know his father? A Yes, sir, he was my brother.
Q What was his name? A Wash Rave.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Mariah Rave.
Q Did you know them before the war? A Yes, sir, I knowed them always.
Q Who was Wash Rave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Rave.
Q Was she a Cherokee citizen? A Yes, sir.
Q Who was Mariah Rave's owner? A Jane Peak, Mary Rave's daughter.
Q Was Jane Peak a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did Mariah Rave and Wash Rave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes, sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes, sir.
Q How what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Rave and Mariah returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.

Q All these boys that you have named? A Yes, sir, all these boys.
Q Where did they come to in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are s- old man Wash Nave was a brother of yours? A Yes, sir, own brother.
Q Full brother? A Yes, sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and uncle Bill Leady was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant? No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Cooweescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No, sir, he has never been out to my knowing.
Q Do you know where they went from Bill Leady's, after you brought them here? A I went back to Kansas and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys? A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave, Sr., this man's father, die? A I don't know what time it was, I don't know.
Q How many years after you came back here? A Somewheres, now I didn't keep no account, he died a little after the Wallace court.
Q Do you remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No, sir, I didn't make no crop till the year '67.
Q You were in the army? A No, sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No, sir, I went there so often, backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas in '66? A I don't know.

Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No, sir, I went so many times that I can't tell who I came back with first.
Q You don't remember who you came back with first? A No, sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes, sir, I think my first trip back here after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a while ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes, sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time, that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes, sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember them whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Wave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we wasafraid of being killed.
Q You came to the old Rider place? A Yes, sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little northeast of Chouteau.
Q Were there any Cherokees living at the Rider place at that time? A Nobody there but uncle Billy Leady's family; there wasn't no Cherokees hardly in there at that time; they came among in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back? A I went back.
Q Next time you saw Wash Wave and family was on the east side of the river at the Vann place? A Yes, sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made two crops there.
Q Did you live with them over there? A Yes, sir.
Q Did you help them make a crop there in '67? A Yes, sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows?

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedmen citizen in the Nation? A Yes, sir.
Q You know the applicant here, Wash Have Jr? A Yes, sir.
Q Did you know his father, Wash Have? A Yes, sir.
Q Did you know his mother, Mariah? A Yes, sir.
Q Did you know them before the war? A No, sir, I got acquainted with them after the war.
Q Where did you first see Wash Have and Mariah Have after the war?
A On the old Tom Rider place, across Grand River.
Q When was that? A In the spring of '66.
Q Well now do you know that children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes, sir.
Q What were the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand River somewhereem I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes, sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Have at that time? A Yes, sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they came there in April and I came there in March.
Q You had been there about a month then? A Yes, sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they came with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay there very long.
Q Where did he go from there? A Went down the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And them where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No, sir.
Q How long after that until you saw them? A They came back in the fall and stayed a while, visiting, along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have camp-meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time?
A No, I don't remember seeing them.
Q You ~~xxxx~~ think that was in the early spring? A That was in April, I am sure that it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No, sir.
Q You knew these facts then? A Yes, sir.
Q Did they have a wagon of their own when they came to your place?
A Yes, sir, they had a wagon, they came there in a wagon and went off in a wagon.
Q They had two wagons then, Dave had one and they had one? A Yes, sir.
Q You know whether they made a crop that spring? A No, sir.
Q You don't know what work, if any, they did that spring or that summer? A No, sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY. MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where od you live? A Lenapah.
Q Are you a freedman citizen o f the Cherokee Nation? A Yes, sir.
Q On the authenticated roll? A Yes, sir.
Q Do you know the applicant here, Wash Vann, Jr? A Wash Vann?
Q Wash Nave? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q His mother, Mariah? A Yes, sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well, there's another one.
Q You know his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No, sir, I didn't.
Where did you first see them after the war? A On Grand River.
Q What place? A On the Vann place.
Q Which side of Grand River? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there? How did they come there? A They come in wagons and was camped there.
Q Besides the old man Wash and his wife Mariah, who were with them?
Q I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes, sir, this is one of them.
Q Have you known them from that time on? A Yes, sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand River somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved there.
Q How long had you been back at that time when you saw them there?
A I come that spring.
Q You came the same spring? A Yes, sir.
BY. MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter or maybe not so far.
Q How long did you continue to live there? A Oh I staid there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes, sir.
Q And you left that fall? A I left that summer, in August.
Q About what time o f the year do you think they came before you left? A They was plowing corn, it must have been along about may or June.
Q They were there when you left there? A No, they wasn't , they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes, sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment at that time? A Yes, sir.
Q You remember distinctly all four of them were along when you saw them? A Yes, sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Hayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No, sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission? A No, sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes, sir.
Q Do you know this applicant, Wash Nave Jr.? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q His mother, Mariah? A Yes, sir.
Q Did you know them before the War? A No, sir.
QC I will ask you where you first saw Mariah Nave and Wash Nave after the war? A Firstplace I saw Wash Nave was in Ft. Scott, Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Na tion.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand River was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes, sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes, sir, I taken the census in

Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in Markham's Lick.
Q You were one of the Census takers for 1880? A Yes, sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was that you saw them at your store there after the war? A In '66.

BY MR. HASTINGS:

Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No, sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes, sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You knew they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No, sir.
Q You didn't make known at that time that you knew about it? A No, sir, there was no one asked me that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes, sir.
And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes, sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers', he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes, sir.
Q Was he there in 1880? A Yes, sir, that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes, sir.
Q There was 5 leading families in that case? A Yes, sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes, sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes, sir.
Q Running from 20 to 25 dollars apiece? A Yes, sir.

BY MR. MELLETTE:

Q Mr. Foreman, was that money the Representative of the Cherokee Nation asks you in regard to, was that paid you to induce you to swear a lie? A No, sir, it wasn't .
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend these places? A Yes, sir.

BY MR. HASTINGS:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes, sir.
Q And you only testified the one day in that case? A ~~Exaggerates~~ I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand River.

Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., recalled and further examined:

BY COM'R NEEDLES:

Q When did your father, Wash, die? A He died in February, '91, about the 18th or 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr., applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this July 1st, 1901.

(Signed) T. B. Needles
Commissioner.

S U P P L E M E N T A L T E S T I M O N Y.

F.D. #815

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of the applicant;

APPEARANCES:
L. T. Brown, for applicant.
J. S. Davenport, for Cher. Nation.

L. D. Daniels, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name? A L. D. Daniels.
Q Your age? A 56.
Q Your postoffice? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880? A Yes, sir.

Q Do you know Wash Nave Jr? A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man, Wash Nave.
Q That was Wash Nave, Jr's. father was it? A Yes, sir.
Q What was Wash Nave Jr's. name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December '66.
Q Do you know a son of Wash Nave by the name of George F? A Yes, sir
Q Did you see him at that time? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time? A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R NEEDLES:

Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek because Stevens never brought your pony back? A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No, sir.
Q You never seen him until he come to Gibson? A Yes, sir, and when he returned to get his folks and come back and old man Stevens come with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him? A Yes, sir; I didn't have any way but to keep it in my head and I remember it.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedmen D-915, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D.W.VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have your lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you get acquainted with him?
Q He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well how do you know he just moved from Kansas? A Well he told me so, and he was lodded up,, and he told me he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well that was the first time you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember?
A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Old Aunt Mary Nave, my father's sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.
MR. SMITH: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of wagons. Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken; Reuben and Dave they both worked in the same field I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well, I can't say exactly how old he was.
Q Well he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes, I guess I would.
Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you they had just come from Kansas?
A Well, sir, I think it was the old man.
Q Well, don't you know? A Well I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk and had the trade with.
Q But you can't state, it has been so long ago you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say prettyr certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territery after the war?
A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.
Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.
Q Did you ever testify before any other court than this court in this case? A Yes, sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.
Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.
Q I say that didn't have anything to do with where they came from? A No, sir.
Q Do you know a man named George Vann? A Yes.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, they called him Sleepy George, is it.
Q The one that lives up here in this district, Coeweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.
Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.
Q Was he around Vann's a good deal? people there? A Yes, he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewheres along after the war a short while.
Q Short while after the war? A Yes, sir.
Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '96, did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say.
Q Where was he during the year of '67, if you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No, sir.
Q When did you first see him after the war? A I can't say when, positive when I saw him.
Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H.C.Ross, Judge Henry Ross? A I think they were cousins.

Q Are you acquainted with the handwriting of J. M. Ross? A No, sir.
Q You knew the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on ---
Q I mean before you went out that fall? A Well I just come there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay there that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the ~~Cherokee Nation~~ Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next?
A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
Q I have been there ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

Taking of testimony continued by Stenographer J. C. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(Signed) T. B. Needles
Commissioner.

October 31st, 1901.

WASH NAVE JR., taking of testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live? Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man named Wash Nave?
A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whether or not he went out during the war? A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you moved back to the Cherokee Nation you say in 1867, what part of 1867 did you move back? A I think it was the latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged toThompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave, I think it was in '68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them, the old man and all the family.
Q What were their names? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well did you have any conversation with the old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why he had only recently come in there.
Q He was living there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir, I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand River?
Q That was on Grand River where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission? A Yes, sir.
Q Did you state before that Commission that the first time you saw him here was in '69? A No, sir, if I did--I know I didn't because that was not the first time I ever saw him; I know Wash Nave before I lived right by him in Flint District.
Q Did you know George W. Vann, a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish George here, we used to call him George Springcreel, Spring Creek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places.
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's Prairie on Springcreek called him Springcreek George. I never was acquainted with George until about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline District hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:
MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the chief Mayes, at the close of the War? A Yes, sir.

Q Did you see him shortly after the war? A Yes, sir.
Q Now when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand River.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.

MR. SMITH: Mr. Adair, did you go out of the Nation during the war, or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand River? A Well some time during the war, during the Civil War.
Q Well when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile Creek in '65 and after I left that place I came up here on Grand River in '66.
Q What time in the year '66? A It was as near as I can remember in the fall.
Q Where did you locate, what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile Creek? A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand River? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile Creek? A Yes, sir.
Q And then up on Grand River? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well now, how long after you moved down here before you saw Wash? A Well as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you can remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand River.
Q He was on the Dave Vann place in '68, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.

MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.

MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D. #821, 822 and 823.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this November 11th, 1901.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-815, Wash Mayes, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Wash Mayes, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:
MR. SMITH: State your name? A Henry C. Ross.
Q Where di you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896? A Living right where I am now.
Q Did you hold any official position at that time?
A I did.
Q What? A District Judge.
Q District Judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you

and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that writtne by him? A That is Joe Ross' handwriting.
Q Did he swear to is before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The tes timony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissible in evidence at this time, beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to-day will be made part of the record in cases D-821, D-822 and D-823, and reference is made to the same.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to ~~before me~~ and subscribed before me this the 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Wave, Jr., for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, to-wit:

"Washington Wave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation

(Before the Commission on Citizenship July 13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a slave of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same, but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,

Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sence a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of these records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that timeand embodied in his claim to be enrolled as a citizen.
Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.
Q Where is that original application? A I don't know.
Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the Chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of these records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.
Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true, whenever a clerk of the court would die, his records might as well be pitched into the xxxx middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record--

MR. SMITH: The applicant furthermore objects to the offer of the above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. Hastings: The Cherokee Nation contends that this is relevent because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against

Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur C. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(Signed) F. C. Reuter,
Notary Public.

(Seal)

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original testimony.

(Signed) H. M. Vance.

Subscribed and sworn to before me this 25th day of July, 1902.

(Signed) Bruce C. Jones,
Notary Public.

(Seal)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony and proceedings in the above case.

Mabel V. Maxwell.

Subscribed and sworn to before me this 31st day of July, 1902.

Bruce C. Jones
Notary Public.

To be filed with F-y-225

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 28thy 1901.

W. W. Hastings, Cherokee Attorney-
Mellette & Smith, attorneys for the applicant.

In the matter of the application of Ben French for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

xxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Dave French called and sworn as a witness for the applicant.

By Mr. Smith:

Q. What is your name? A. Dave French.
Q. What is your age? A. 72.
Q. What is your postoffice address? A. Lenapah.
Q. How long have you lived in tmkx the Cherokee Nation? A. Ever since the Spring of '39.
Q. Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q. Do you know the applicant here, Ben French? A. Yes sir.
Q. Did you know him just before the war? A. Yes sir.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. The Frenches.
Q. Where did they live? A. Flint District, Cherokee Nation.
Q. What was his master's first name? A ? Bob.
Q. What was his wife's name? A. Marguerite Fields before he married her.
Q. Was she a Cherokee Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the old st son, Henry, Joe and several other boys.
Q. Do you know what became of this applicant during the war? A. Went to Kansas.
Q. When did he come back? A. In '66 before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I left.
Q. When did yu leave there? A. The week after Christmas.

BY HASTINGS:

Q. Where did you go from there? A. Back to Kansas.
Q. Whenm did you go after? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife? A. Yes, sir.
Q. Your memory is faulty about your wife? A. (No response)

BY SMITH: "I object to that question."
Q. By witness of Hastings: "What did you ask me?"
By Hastings of witness: Q. Is your memory bad about your wife?

BY THE COMMISSION: Your recollection is bad about your wife's whereabouts then? A. Yes sir.

By Hastings:
Q. Where was she at the time? A. In Kansas somewhere.

Q. Why hadn't she moved down here then? A. I don't think I had.
Q. You didn't witness for this fellow before did you? A. I don't know.

BY THE COMMISSION of the applicant:

Q. What is the reason that your name is not on the roll of 1880?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You wasn't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes, sir, I have been there twice with rheumatism.

Chas von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reportedin full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 15th day of July, 1901.

(Signed) T. B. Needles.
Commissioner.

I, Frances S. Botefuhr, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the above and foregoing copy and that the same is a true and correct copy of the original offered in evidence.

Frances S. Botefuhr.

Subscribed and sworn to before me this 25th day of July, 1902.

Bruce E. Jones
Notary Public.

DEPT. OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 18 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

BY MR. SMITH:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have li ved here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nati on?
A Yes, si r.
Q Where did he live? A Lived in Flint District, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Ye s, sir.
Q Where were you living at the tme the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?
A We just stopped along one place and another; the next plac I stopped was on Pryor's Creek and we finally worked on down to Spri ng Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spri ng Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.

BY MR. HASTINGS:

Q Who returned with you after the war? A My mother and all her children and step-father.
Q Dave French? A Yes, sir.
Q He is the man that brought you down? A Yes, sir.
Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes, sir
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at PryorIs Creek .
Q How long did you stop at Timbered Hi ll? A I don't remember; about a month.

Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made next stop on Pryor's Creek.
Q About what time of the year was that? A Along latter part of the summer or Fall.
Q How many wagaons did you have? A We only had one of our own.
Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '63.
Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.
Q How long had he been with your mother and family before you come down here? A He was up there off and on.
Q How long had you been with the family? A About three years I stayed up there.
Q Was he up there during t hat time? A He was up there backwards and forwards.
Q How long had he been there immediately before he came down here? A He was backwards and farwards down here in the Ok Territory.
Q Now, where did you go to when you come down here after you left Timbered Hi ll? A Went to Pyrors Creek.
Q At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Camped on the Creek.
Q Dave French was along with you? A No, sir, he was not with us at that time.
Q Where had he left you? A I don't remember him being there at the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he? A Yes, sir, but he ha mother wagon and some other ~~gipsey~~ folks.
Q Do you remember who they were? A No, si r.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.
Q You came through Chetopa as you come down? A Yes, sir.
Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seenl had the name and just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was li ving there? A Yes, sir.
Q It had the name at that time? A Had the name, Chetopa.
Q Did y ou buy any goods there? A No, sir.
Q Did they have goods for sale there? A I don 't think there was a family li ving in the house at that time.
Q Where did y ou settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you come back? A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horseraising.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rati ons A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year; how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down to For t Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn't cooking there at that hotel, Polly N ivens? A I ~~don~~ didn't see her.

Q How long did you see L. D. Around down there? A I saw him there in '63.
Q I mean this last time a ter you come back? A I saw him there several times around there.
Q When did y ou see Sam Webber first after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I thin k he was going North.
Q You didn't introdue either Sam Webber or L. D. Dani els before, did you? A No, sir, used H French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I married up there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name. A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized ci t izen? A Yes, sir.
Q Do you know this Applicant, William Webber. A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a Citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the War commenced? A Little creek called Caney ou t west of where we lived.
Q Where was this applicant, William Webber, living at that time? A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.
Q Did you see him once or more than once there? A Only once there.
Q When did you see him next after that? A I saw him; it was either a year or two years after that down on Pryors Creek.
Q Where is he living now? A I was never at his house, he tells he he lives out west of here.

BY MR. HASTINGS:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I ~~think~~ wasn't his witness, I would have remembered it if I had bee his witness.
Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some woman and come up here and spent the wint er of '65 and 6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, si r.
Q You had been down here when you et this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
Q Yes. A The crowd that built over there on the Creek.
Q What time of the year was it? A Along in August, some time in the latter part as well as I can remember.
Q You met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Am dy Webber.

Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave Fremah.
Q Well, w as anybody else along? A His Aunts.
Q What were their names? A Rachel and one, Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber? A Yes, sir.
Q That was all that was in that crowd? A His sisters, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q Yo passed them in the wagons? A Stopped and talked to him.
Q How long did you stop? A might have stopped an hour or so.
Q How many wagons did they have? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A No, I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him, we was on the race track and I met him with Rube Still on the race track.
Q When did you next see him after that time? A I think it was i n E '71.
Q Where did you see him then? A At Timbered Hill, with Rube Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q How far does he li ve from you? A About 18 miles I guess.
Q How long has he been living there? A About 25 years or more.
Q Who was his mother? A Cinda Webber.

BY MR. HASTINGS:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don 't know, looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes, sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him? A Yes, sir.
Q Big Crowd of people there? A Yes, sir.
Q And for 38 years you have retained it in your memory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 38 years ago?
A Yes, sir.
Q Were you loaning ratiems at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several t imes.
Q He stayed with Ru be Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. BY MR. SMITH:

Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards it never could be found.
Q What was your mother's name? A Lucinda Webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not? A Yes, sir, I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she? A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did.
Q Now, you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband? A Dave French.
Q David French? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, #1192, Linda French, Coowescoowee District.

Q Now, where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda Webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You live now in Coowescoowee District? A Yes, sir, I do.

L. D. DANIELS, recalled: BY MR. SMITH:
Q Mr. Daniels, what did you say the name of this applicant, William Webber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber?
A Not that I know of.
Q Do you know who she was married to? A French.
Q Well did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your own knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.

BY MR. HASTINGS:
Q Where did this woman living then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mother's every once in a while.
Q Who was he working for? A For Delawares he told me.
Q Where did you see him? A At Gooseneck bend, below Gooseneck Bend.
Q What time of the year? A In the Spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: BY MR. SMITH:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A We and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COM'R NEEDLES: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooting you? A I don't think there was, not as I knew of; I never heard of any.

BY MR. HASTINGS:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.
Q And he did the enrolling for his family? A Yes, sir, guess so.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

BY MR. SMITH:

Q How old were you when you come back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber Cooweescoowee District; "Child of Linda French, #-5 Cooweescoowee District."

COM'R NEEDLES: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

---oooOOOooo---

J. F. Rogers, being first duly sworn, stating that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. F. Rogers

Subscribed and sworn to before me this 16th day of July, 1901.

Notary Public.

Commission expires.

FD 928

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Webber, D 880;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other then the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

To be filed with D-929

Russell Henderson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-818, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.
(SEAL) (signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenograpger to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the forgoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce B. Jones
Notary Public.

To be filed with 928

William Webber.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-818, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July. 1902.
(SEAL) (signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenograpger to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce B Jones
Notary Public

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902 and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

The Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

Mr. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed where did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '66; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 26 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Rose passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I would judge half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmir family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to Mr Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Tyden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughthere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

---oooOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. B. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1903.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1903 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation, entitled, "Book B of the Chambers com'n on Citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed
on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitrie on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to hear claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitrie
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.
Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." Page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1866, I went north to the state of Kansas in '82. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and by party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Jesse, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Bryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparely settled and bare of assistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who were here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the logs in the houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Jim Taylor when the war broke out. He was living on Greenleaf near Muddy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they return d to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Mumford Alberty, witness for claimant, called and sworn.

I reside in Coowescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River Coowescoowee District,

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and the mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or rake claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of soldiers' flour at Gibson and if they would go there they would get some.
He also represented that they had come out to make claims for others, who had remained in Kansas, to build them homes and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this in '66, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Rotliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegation advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

POOR ORIGINAL -
BEST AVAILABLE COPY

Cross Examined.

I am a claimant before this court for citizenship. I am a half brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Leigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was head man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Leigs and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Homer Whitmire.
mark.

Attest
P. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) Claming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to return to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Thompson.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Ooowoescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the riber. Knew Lewis prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Helge, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Ido not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kan., they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald is the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the 21st of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties [illegible]

I crossed them over the raver. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4" 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Wm. McCracken.

Attest:
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Ark's.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The here of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the here of the other man, I also permitted to go on the old field. The spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks are the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for the purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the tire they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et al) July 10th 1878.
vs)
Cherokee Nation.)

John Riley,
sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pet & Hoins, Mike Sanders, Sam Webber, Billy Foreman, with their families and others when I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Dec. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Dec. 1866 I never heard of them. I never knew of Blanford already being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Louis was not along as I know of nor Harlan nor Major Wright. Nelson Whitmire that I know of. If any such party had come in Dec. 1866 I think certainly I would have known it.

Joseph Riley.

Examined Riley. (page 285)

About the first of May I left our party with their families at their new home. Blackmon and others of this Colored party told witness that they returned in March 1867 to the Nation.

No Direct

I learned from John Colbert that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 to my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

D. F. Alberty.

Attest
D. L. Nicholson,
Clerk.

Anron Whitmire)
vs)
Cherokee Nation.)

Tahlequah May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that he stenographically took the testimony in the five Civilized Tribes Bureau reported in full the proceedings in the above case, and that the foregoing is a true and accurate transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1908.

(SEAL) (Signed) B. G. Deuter.

Notary Public.

I, Arthur G. Croninger, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original now on file with the Commission, and the same was copied by me.

Arthur G. Croninger

Subscribed and sworn to before me this 17th day of Aug., 1908.

Bruce C. Jones
Notary Public.

File with Cherokee agreement &c

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wyner, Cherokee Nation.
Q What district do you live in? A Coowescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.30, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Coowescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.

Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and to put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Row lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is. because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognised citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wyner.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '65.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Minna Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes,sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes,sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas,Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dages you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was ~~subpoenaedx~~ in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce G. Jones
Notary Public.

 (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

--oo--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there?
A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively. I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q What was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Well did they ever come back together? A I don't know whether they did or not, Aaron didn't come back I don't think.

Q What about [illegible] Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not. I know them and the old man came back and got the family.

Q Do you later than that see them together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.

Q Do you remember of Sam Webber [illegible] ever bringing any hides into the country? A No sir, I don't remember. I remember Sam telling me he [illegible] up.

Q When did he tell you he had [illegible]? A In the fall of '66. He had been down here in the [illegible] and had built a cabin? A Yes sir, he told me he had [illegible] built.

Q And now that final move when they took all the people out you don't [illegible] in that time? I don't know, but it runs in my mind [illegible] February or March? I won't say anything about that.

Q What year? A '67.

Q Then may you won't say anything about that? A I don't know whether it was or not.

Q You don't know whether it was or not? A No sir, that is a fact, but it runs in my mind it was.

Q [illegible] Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February [illegible]? A I think he was there.

Q Well, did you see him there? A Yes, I think he was there pretty much all the time.

Q How do you fix it? A I got no way to fix it; that's my impression it was there.

Q You can't state it positively that he was or was not? A I know that them were there and I believe he was too.

Q You don't state that positively? A No sir, not unless I got something to fix the date.

Q Then you say that? A No sir, [illegible]

Q Now you remember about Sam Webber coming up there in the [illegible] and bringing some beef hides? A No sir, I can't remember; of course that takes us a long time ago; how I have got these things [illegible] in my head what year in the fall of '65 I was moving from [illegible] to the other, and that was in the fall.

Q You didn't go out of that farm? A No sir, just moved from the [illegible] to the next place.

Q And you say at that about 13 years old? A Yes sir.

Q Is there in that to fix the date in your mind it was in 1866 more than when you moved? A I know we moved from the things [illegible] in the family of a young man that was [illegible] I know it was [illegible].

Q How about that part about the deaths in the family? A There [illegible] in the family in '66, 2 years after we moved [illegible] it must have been after the things that he did when we moved [illegible] home, but he didn't move in his house at all.

Q You don't mean to be positive about any of these dates you give? A No, than the family moved over, remember that fact.

Q How about Webber's movements? A They was all there in the fall of '65, they was all there in October or November one of the two months, I believe we moved then.

Q Now you never missed them up there in 1865 did you? A No sir.

Mr. [illegible] I object to that it is not competent whether he [illegible] them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, have no recollection of them leaving there until then.

Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicks, being sworn and examined by Commissioner Brooks, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks, if the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 57 years old.
Q What is your post-office? A Manley.
Q Is that in Kansas? A Yes sir.
BY MR. MASSINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him [illegible] after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, Young Sam Webber? A Yes sir.
Q Well did you know a little short man called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Will of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".? A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
Q Don't know? A No I don't [illegible] you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think I am more positively [illegible] where them.
Q Do you know where his wife died? A His wife died there.
Q Will [illegible] at the date of your son's death? A Yes sir, [illegible] he died; there was an old lady, [illegible] living.
Q [illegible] A Yes sir, she lived there [illegible]
Q [illegible] during the sickness of your child? A Yes sir, she set up with us several times, and if it [illegible] she was in the room so she could come and sit [illegible]
Q Did you have a sister of Joe's called Minnie? A Yes sir.
Q [illegible] like to have your best recollection Mrs. Hicks as to the time [illegible] moved with his family and children from that [illegible]? A [illegible]

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question. I don't mean being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was 1867, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived them about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I wouldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect why Sam coming down here, I don't know, I would be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spices wood and shavings back.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

[illegible] 10

Q Will now give me some idea, Mrs. [illegible], about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know, he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. [illegible]:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1868.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber coming back with reference to the time Sam Webber Sr. [illegible] first time they returned from this trip looking for [illegible] A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he go with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. They came after their claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In '66 stops of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '66 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that thye trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the man that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
By Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chiora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

[redacted] Cherokee Freedmen Docket No. 872, [redacted] Cherokee Freedmen Docket No. 216, [redacted]

M. D. Green, [redacted] being duly sworn, states that as stenographer to the Commission [redacted] he correctly recorded the proceedings and testimony [redacted] as dictated to him from the stenographic notes of [redacted] by said Lesson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 18th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita,I.T.,October 29th,1902.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.
COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 972, the same being the case of Jefferson Ross be filed in the case Cherokee Freedmen D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Grayson and in Cherokee Freedmen D 216, of Aaron Webber.

--oo--

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26,1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from then; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for many about two years I guess.
Q Where? A There at Lightening Creek

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I dis-remember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

[redacted] stenographer to the [redacted] the foregoing [redacted] of the original [redacted].

Subscribed and sworn to [redacted] September 24, 1901.

[redacted] Public.

(SEAL)

I, A. A. Chaney, [redacted], state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy, and that the same is a true and complete copy of a correct copy of the original transcript.

A A Chaney

Sworn to and subscribed before me this 21st day of August, 1902.

Peter G Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1839? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2656, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

POOR ORIGINAL -
BEST AVAILABLE COPY

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 142, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 137, No. 2768 Elizabeth Meigs, Coowescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself? A Yes sir my husband did.
Q What members of your family came down with you and your husband? A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Samiel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Any Osages? A No sir, never saw none.
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Beigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Monkey Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here you all went to Tahlequah before the court, didn't he, to see about the citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them there.

By the Commission:

Q Were you ever admitted by any Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my men enrolled us before he died.
Q I mean in court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Tams Clifton court.
Q Any other court that you know of? A I know of the Tahlequa court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my men went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from here to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to examine? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner J. R Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am 60 or 70.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's non-in-let identified thereon as follows:

Page 175, No. 2657, Reuben Sanders, Coowescoowee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Ochaleta was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Cocsenock Band, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the 1880 Dawes court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In '71 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 18 or 19 years old when you came back? A Yes sir I guess so. I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and on his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Moss and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Mair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Perman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir,;I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By [illegible]:

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stayed here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On the third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

****

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~proof~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-591, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Fineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '84 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes~~,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. B. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever sin ~~ce~~ A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Supl.-C.T.D.#775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q That is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the rialroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right- of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chotean about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Notary Public.

F. D. 391.

To be filed with F. D. 388.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by T. M. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follow

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 28, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted a d the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made: but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and R. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body could have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon after I heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Langhave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be par. Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for [illegible] before his trial came off the prosecuting [illegible] unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Bill Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence [illegible] from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week [illegible] with horrors, such as will, for long days to come, [illegible] hearts of our citizens with gloom.

A few weeks ago, we published an account of the [illegible] Macley, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery: but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had [illegible] and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for [illegible]

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it; but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties [illegible]. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be dissipated.

The body of Mr. Coe was brought into the city, and [illegible] after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the [illegible] to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Lumpkin and Henry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you livin; there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I [illegible] in the neighborhood of two years before that and knew him [illegible] time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at [illegible] the hill along in the south: yes, sir he was killed in the [illegible] about the brink of the hill.
Q About what time of the day was he killed? A He was killed [illegible] dark, just dark.
Q Do you know who killed him, who was said to have killed him [illegible] accused of killing him? A Yes, sir.
Q Who? A Pit Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon [illegible]

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard two shots fired, then ran down there and ran over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't say it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Then he was put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, someti in February, 26th I think it was.
Q Of February following, of '07? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched barns, they looked around [illegible] failed to find him.
Q [illegible] that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, about three over three weeks.
Q From the 26th of February up until about the 20th [illegible] Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a [illegible] turnkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; house in jail in not much over half an hour after he shot Mayford; I heard the shot that killed Mayford.
Q And you helped to arrest him? Yes, sir. I got to Mayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Mayford prior to that time? A Yes, sir Mr and he was friends.
Q You was a friend of his? A Yes, sir.

N. G. Jones, being first duly sworn, testified as follows:

MR. HASKINS: What is your name? A N. G. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '68? A I was.
Q Well were you holding any office at the time a man by the name of Rayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his (arrest) arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Giles.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Rayford? A I did.
Q How soon after Rayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any crowds or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee Colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the Holidays, and I knew it was only a few days before Christmas when the killing was done
Q '67? A In '68 the killing was done.
Q Few days before Christmas of '68? A Yes, sir.

MR. MARTIN: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony taken

This testimony will be filed with and made a part of the record in the following Cherokee freedmen cases: No. D-394, D-[illegible], D-401, D-402, D-[illegible], D-407, D-775, and in D-331, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip A. Porter,

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Subscribed and sworn to before me this 23rd day of July, 1902.

Notary Public.

F. D-938.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 22, 1902.

In the matter of the application of William Webber for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-938.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 23rd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said William Webber to enrollment as a citizen of the Cherokee Nation. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in the cases of Freedman Doubtful 815, Freedman Doubtful 856 and the statement of Dave French in Freedman Doubtful 935, be introduced and made a part of the record in this case.

COMMISSION: In addition to the case at bar, this testimony will be filed with and made a part of the record in the case of Russell Henderson, D-939, who is also represented by Mellette & Smith.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Arthur C. Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal)

Notary Public.

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 12 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Mellette Booth

Cher Cherokee Freedmen #

NO. ED 928.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ... day of ....., A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

.....

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 21 day of May, 1902.

.....

Attorney for Applicant.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190....

.....

Agent for Applicant.

FILED
MAY 23 1902

NOTICE.

In the Matter of the application of William Webber.
for enrollment as Cherokee citizens:

To William Webber, or Melletter and Smith his attorneys:
Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 23, , A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 21, 1902.

No. 928.

B Bell
W. W. Hastings
Jas. L. Davenport
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-928.

Muskogee, Indian Territory, May 24, 1904.

William Webber,
Dewey, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Register

Enc. D-27.

Cherokee Freedmen
D-928 & D-943.

Muskogee, Indian Territory, May 24, 1904.

Edgar Smith,

Attorney for William Webber et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the applications for the enrollment of William Webber and Birt Henderson as Cherokee freedmen.

Respectfully,

Register

Commissioner in Charge.

Enc. D-29

Cherokee Freedmen
928 and 943.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of William Webber and Birt Henderson as Cherokee freedmen.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-10

Commissioner in Charge.

COPY.

Cherokee Freedmen

No. 1363.

Muskogee, Indian Territory, November 9, 1904.

William Webber,

Dewey, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 19, relative to the enrollment of yourself and Birt and Russell Henderson as Cherokee freedmen.

In reply you are advised that the names of yourself and Birt Henderson were placed upon a final schedule of Cherokee freedmen which was forwarded to the Secretary of the Interior on November 2, 1904, for his approval.

In the matter of the application for the enrollment of Russell Henderson, you are advised that the record in this case, together with the Commission's decision dated March 5, 1904, granting said application, was forwarded to the Secretary of the Interior on August 19, 1904, for his review and decision. The action of the Secretary will be made known to the parties concerned as soon as the Commission is informed of same.

Respectfully,

Tams Bixby.

Chairman.

MAR 8 1902

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Webber,
Dewey, I. T.
Cherokee F-D-928
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher Fr 1354

See Cher Fr 1353 and D929

Cher Fr 1354

Burt Henderson

DEPARTMENT
COMMISSION TO THE

FILED

JUL 13

ACTING CHAIRMAN

Bruce C.

the Commission for [illegible] the [illegible]
proceedings and [illegible]
time and complete [illegible]

sum to my [illegible] the IIIth of July, 1961.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Birt Henderson for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Birt Henderson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Birt Henderson.
Q How old are you? A 21.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides your self? A Not anyone.
Q What is your father's name? A Henderson.
Q Is that all the name he has got? A Ed Henderson.
Q What is your mother's name? A Rachel Webber.
Q Your mother living? A No, sir.
Q Your father living? A I don't know.
Q Ar you a recognized citizen of the Cherokee Nation? A I guess so.
Q Your name on any of the rolls of the Cherokee Nation? A On the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon page 187, No. 3435, district not given, as Bertie Henderson.

The Kern-Clifton roll examined and the a plicant not identified thereon.

Q You say you are a brother to Russ Henderson? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Are you married? A No, sir.
Mr. Hastings: What place in the Cherokee Nation were you born?
A On Cedar Creek.
Q Have you lived on Cedar Creek all the time since? A Yes, sir, nearabout.
Q Have you been up in Kansas any? A No, sir.
Q Ever work up there? A No, sir.
Q Never did spend any time in Kansas? A Not any farther than Coffeyville.
Q You have always been in the Cherokee Nation ever since?
A Yes, sir.

William Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A William Webber.
Q Do you know this applicant on the stand here? A Yes, sir.
Q What is his name? A Birt Henderson.
Q Is he any kin to Russ Henderson? A He is a brother.
Q Did you testify this afternoon in the application of Russ Henderson? A I did.
Q Did you make the application for Russ Henderson? A I did, yes, sir.
Q Who was the mother of this boy that is on the stand here?
A Rachel Henderson is her right name, sometimes she goes by Racehl Webber.

Who was the father [illegible]

Q Do you know where this boy was born? A No, sir, I can't tell that.
Q Know where he lives? A Lives up here about Lenapah among his people up there.
Q That is the Cherokee Nation? A I think so, yes, sir, as near as I know.
Q You don't know about where he lives? A Why I don't know him only just at times I see him around, I think he makes him home out there with his people.
Q Have you seen him often, or a few times? A I have seen him there often.
Mr. Hastings: How old was he when you first saw him? A I don't remember, he was quite young when I first seen him, I don't know just how old.
Q Give us some estimate of about how old? A Looked like to be about eight or ten when I first saw him.
Q Where did you see him? A Up on Goose Neck Bend up where he lives.
Q How far do you live from where he lives? A I live about twenty miles.
Q You know whether he has ever been up in Kansas any? A No, sir, I don't, I have an idea he has been as far as Coffeyville to trade and then back home, they generally do up in that country.

Birt Henderson, recalled, testified:
Commissioner: You say you were born in the Cherokee Nation?
A Yes, sir.

Commissioner: Birt Henderson applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of the Commission except the Wallace roll, and he is duly identified upon said roll according to page and number as indicated in the testimony. He avers that he is the son of Rachel and Ed Henderson. He avers that he is the brother of Russell Henderson, who has been listed for enrollment this day on D card 929, and the testimony in said case covers all the facts necessary for the development of the case at bar, consequently the said testimony will be made part of the record in the case at bar, and a copy thereof filed with this case. Said Birt Henderson, having made satisfactory proof as to residence, will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified at his postoffice address of the decision of the Commission when arrived at.

Mr. Hastings: Are you positive of the place you were born?
A No, sir, I am not.
Q What is your family information as to where you were born? A On Cedar Creek is all I know.
Q Your mother dead? A Yes, sir.
Q You got any people here who know where you were born? A Why I think Sam Webber do.
Q Does he know where you were born? A Yes, sir.
Q When you were first old enough to remember, you were in the Cherokee Nation? A Yes, sir.
Q Who made application for you before the Kern-Allerton Commission; were you present? A No, sir, I wasn't.
Q Your brother Russ made the application for you, didn't he? A Yes, sir, I think so.
Q You are an 36 years old now? A 34.

.....

Dirt Henderson - Dr.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 11th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 28 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date.....

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12 Year Page No. Dist.

Application made by

Stenographer

File with F.B-888. William Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Ceoweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you what to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I havetwo children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.

Q When did you first see him in Kansas? A I went to Kansas with him.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Nelson?
Q How oong ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister, Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then, A Yes, sir, I think she was.
Q Who else came? A Eveline.
Q What? A I don,t know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well, who else came? A The Naves.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters the time you come? A He made 2 or 3 trips and the last time he came with his sisters.
Q Was that the trip you came on? A Yes, sir.
Q If he had a family then, it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Parker? A No, sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q Q You went right on there did you? A No, sir, we stopped a few days at the Rider place at Loodey's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Bill Loodey live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Ker Clifton Commission five years ago didn't you? A Yes, sir, I think so.
Q You made a statement before that Commission? A Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No, sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? First,how long did you stay on Pryor Creek?
A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Mose Nave place.
Q How long did you stay on the Mose Nave place? A I went to his house, that was my stepfather and I staid there.

Q Who were some of Mose Nave's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Mose Nave live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand River, when you were working there?
Q Went back to 14 Mile Creek.
Q Then for the first few years afte r the war you lived on Grand River and 14 Mikm Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there aft er the war? A I think it was in '87.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You know him? A Yes, sir.
Q Where were you married? A On Lightning Creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your oldest child, George Starr Jr., where was he born? A On Lightning Creek.
Q Did you and your wife ever keep house in parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68?
A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Cal Coker? A No, sir, I don't know him.
Q What were your wife's folks' names? A Johnson and Loodeys.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q In that one house? A No, sir, in several houses.

Q Did you make a place of your own there? A Yes, sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette:

Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes, sir.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:

Q Was she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A I don't know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes, sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No.3661, George Starr, Cooweescoowee district.
Page 148 No.3662, Arthur Starr, "

Wallace roll examined and the applicants identified as follows-
Page 140 No.2940, George Starr, Cooweescoowee district.
Page 140 No.2942, Arthur Starr, "

Dave French called and sworn as a witness for the applicant, testified as follows.

By Mellette:

Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Gooseneck Bend, this side.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Do you know this applicant? A Yes, sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes, sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes, sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of 65.
Q How do you know? A He come with me.
Q Where did he go when he come that time? A I left him at Tom Rider's on Grand River, Uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightning Creek and 14 Mile Creek.

By Hastings:

Where did you first see the applicant just before the war? A In Flint District.

Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes, sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loodey? A Yes, sir.
Q You didn't testify for him before the Kern Clifton Commission?
Q No, sir.
Q You had been down here before you brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Hadyou made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she stayed there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Carolina, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring creek and we moved them to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes. A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her?
A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring of '70.
Q Where? A On Grand River.
Q The time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free, didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may by, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back ~~from~~ to Fort Scott? A I don't know.
Q You knew more about this fellow than you did about your wife? A (No response)
Q Who did this fellow stay with on 14 Mile Creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir,
Q When was that? A In '67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Gooseneck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave, and Ruben come with you? A No, sir, they came before that in the spring and were here on 14 Mile creek then.

Continued by Stenographer M. D. Green this 22d of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED,-former portion of this case taken by stenog. C. von Weise.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee freedmen:

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY. MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes, sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married?
Q She was liging on Lightning Creek, on Pryor's creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married?
Q It has been about, my judgment about 30 years.

BY. MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q YOU knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I went away.
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
Q I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes, sir,
Q A farm over there? A Yes, sir.
Q They were living at that place were they? A Yes, sir.
Q Who came with this fellow down there to Pryor Creek when you saw him?
Q Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was two more women along with him.
Q You didn't testify for this man five years ago? A No, sir.

Q Although you knew him in the fall of '66? A Yes, sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No, sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes, sir, I know it was that fall of '66.
Q You knew that xxx 5 years ago too? A Yes, sir, I knew it 5 years ago, if you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loodey sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about five years I guess.

Applicant, GEORGE STARR, recalled, and further examined:

BY MR. HASTINGS:
Q Have you been married a secon time? A Yes, sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes, sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their postoffice address when it is arrived at.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr, et al., C.F.D.813.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24th, 1901.

In the matter of the application of George Starr, et al., C.F.D.813.

SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation.
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By MR. Bell)

Q Your name? A George Musgrove?
Q Your age? A Abour 65.
Q Where do you live, your postoffice? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes, sir.
Q Are you acquainted with one George Starr, a stepson of Mose Nave?
Q Yes, sir.
Q How long have you known him? A Got acquainted with him--- let me see--- let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes, sir.
Q How came you to find him in Parsons, Kansas? A I was out hunting a mule, some fellow had stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away ~~after~~ before the Wallace payment.
Q In 1866, where did you live? A I lived on Verdigris, on Gooseneck Bend.
Q Right after the war? A No, sir, right after the war I lived on Grand River.
Q The year after the war? A Yes, sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand River did you live on? A On 14 Mile Creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that you lived within half a mile of Mose Nave, did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I can't say exactly, '67 wasn't it?
Q You are the one to know. You don't know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes, sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons, Kansas.
Q Where did you come from Parsons? A I went to Oswego and from

Oswego to Chetopa and then come back home on down Cabin Creek.
Q Did you come by Vinita? A No, sir, just come along on Cabin Creek.
Q How did you travel from Parsons? A Horseback.
Q Did you come on the railroad? A No, sir, from Parsons to Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you came from Parsons here, where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Gooseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Mose Nave's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there?
Q No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir.
Q This M. K. & T. was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a stepson of Mose Nave? A Yes, sir.
Q You was about Fort Gibson in '66 and '7? A Yes, sir.
Q And didn't see anything of him? A No, sir.
Q Did you go much about Mose Nave's then? A Yes, sir, every day or so.
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time?

(By Smith)

Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? What makes you say it was in '69 you went to hunt your mule if you don't know dates? A I was living up here then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.

Q Then you don't know when it was or do you still say it was '69?
A I never said--- I don't have to answer less I want to.
Q What was that? A I never said nothing to you.
Q Well, I want you to say something to me. A You just brummell a follow around here like he don,t know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

C. R. Breckinridge,

Commissioner.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell.

Subscribed and sworn to before me this 28th day of July, 1902.

Bruce C Jones
Notary Public.

To be filed with D. D.-928.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1901.

In the matter of the application of Jane Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Wave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Wave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at the time to this Mary Wave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 106 #2280 Jane Colonel, Salin District; 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back here until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.
Q How lond did you remain there? A I don't know sir.

Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.
Q Who did you go with down there? A With my brother and sister, brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all come down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short rememberance anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was going on.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation
A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed thereawhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Nave.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek Nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we come back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you got there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.
Q You had known him before the war? A Yes sir.

Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died, in the Cherokee Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce anywitnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R NEEDLES:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You know old Abe Kernel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Eveline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Saline? A Went to 14 Mile Creekawhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant? A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. HASTINGS:

Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right, I have got to get it in every case you know, you people must understand that? A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Eveline and the next one was named Jane, Jane Nave and Eveline Nave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden
Q Who else? A Her husband, Eph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was her husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek Nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, sometime in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a mannamed Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war? A Yes sir.
Q You can't say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:

Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, and her husband, I don't recollect how many was along, it has been so long I can't think.
Q You remember whether George Starr was along? A George Starr was along with us.
Q Where did you first come to, what point in the Cherokee Nation? A We first struck the Cherokee Nation down below Chetopa.
Q I mean where did you come to? A Timbered Hill.
Q What time of the year did you stay that was? A That was in the first part of the summer, springlike, I don't know what month it was.
Q Of what year? A '66.

BY MR. HASTINGS:

Q How far was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.
Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.
Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.
Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.
Q Good piece? A I don't say a good piece, it is a piece though.
Q You know how far it is from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know how far it is.
Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.
Q Did you come through Chetopa? A I guess we did, I think we did anyway.
Q That is your best judgment? A Yes sir.
Q You know what sized place it was? A I don't know, didn't take no notice.
Q About how many stores there? A I don't know, I didn't look.
Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.
Q You don't know what sized place it was? A I don't, I know it was Chetopa, small town, I don't know how large.
Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the Nation and stopped.

Com'r Needles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returned in '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 813, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

---oooOOOooo---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this July 8, 1901.

(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.
By Com'r Needles,
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette-
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes sir.
Q Howmany children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.

Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q What she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many children did Dave French have with him at that time? A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you come? A He made 2 or 3 trips, the the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fallk, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loodey's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Loody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness them? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr Creek, how long did you stay there? A First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile creek? A Mose Nave place.

Q How long did you stay on the Mose Nave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Mose Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family..
Q Colored man or a Cherokee ? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Mose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Veland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 67.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldest child, George Starr, Jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on thattrip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Gal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loody's.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 18 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes sir.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No. 3661, George Starr, Coowescoowee district;
page 148 No. 3662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
page 140 No. 2940, George Starr, Coowescoowee district.
page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Goosneck Bend, this side.
Q In the Cherokee Nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come with me.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war? A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you see him next? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come ? A Yes sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No sir.
Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.

Q You left him with uncle Billy Loodley? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A Yes sir.
Q How many trips had you made before you brought him? A I dont know.
Q Had you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down ? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
A How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Tom Bill, Andy, Jenny, Caroline, Ellen, Louisa,
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring on '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.

Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Falls?
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Natin were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You knew more about this fellow than you did about your wife?
A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there?
A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lived on Lightning creek.
Q How long has he been living on Lightning creek? A I dont know.

By Mellette:
Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come with you? A No sir they came before that in the spring and were on 14 mile creek then.

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commis sion to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas.von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

(Signed) T.B.Needles,
Commissioner.

CONTINUED,-former portion of this case taken by stenog.C.vanWeise:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MKLLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him avter the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:
Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living to gether as man and wife after that A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.

Q What was your father's name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address when it is arrived at.

---oooOOOooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed)T.B.Needles,
Commissioner.

---oooOOOooo---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

(signed)M.D.Green.

Subscribed and sworn to before me this August 26th, 1901.

(Signed) T.B.Needles,
Commissioner.

---oooOOOooo---

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original.

H M Vance

Subscribed and sworn to before me this 29th day of July 1902.

Bruce B Jones
Notary Public.

stamp, T. O. Mosby;

notes thereof.

T. B. Mosby, being first duly sworn, states that an alleged
or to the commission to the Five Civilized Tribes in this case, but that the
records and testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic

man upon a doubtful case.

Mation, he will now be listed for enrollment as a Cherokee freed
a Cherokee freedman but not the mother of the applicant. He was
the mother is entitled to be listed as
found upon the authenticated roll of 1880 and therefore is
the name of Mrs. Lucinda Stanley, is
There is no evidence that the mother, Lucinda Stanley, is
of 1880.
and was taken to Kansas during the war and returned in 1869.
He cannot be identified upon the citizens' roll of 1880
Cherokee Nation with his mother and at that time was a
Mary Ann Mosby is a quadroon. It appears that he was born in the
almost that the testimony is plain and conclusive that the
and William Mosby is entitled to be listed as
Mosby was a slave of Joseph
who was born in Georgia about 1840. He was a slave of
and testimony in the case of Mary Ann Mosby, Wallace Mosby
Com't Member: William Mosby

The 1880 Authenticated Roll of Freedmen and name of William Roll of Freed-
men of the Cherokee Nation.
Compiled from the original Roll on file in the Records Division
of the Department of the Interior, Washington, D.C.
Compiled and name of William Roll of Freed-
men, Cherokee Nation.
The Roll of 1880 was made by the Dawes Commission
and name of William Roll of Freedmen, Cherokee Nation,
Compiled from the original Roll on file in the Records Division
of the Department of the Interior, Washington, D.C.

File with Bird Henderson, Cherokee Freedman, D-985

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28th, 1901.

In the matter of the application of William Webber for the enrollment of his cousin, RUSSELL HENDERSON, as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mallette & Smith for Applicant.
Mr. W. W. Hastings for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your postoffice?a A Dewey.
Q What district do you live in? A Cooweescoowee.
Q Whom do you apply for now? A Rus Henderson.
Q How old is he? A About 30 years of age.
Q What is his postoffice address? A It was Lenapah before he was taken up, he is in jail at Muskogee charged with murder.
Q What district? A Cooweescoowee.
Q What is the reason he is at Muskogee? A Incarcerated.

By Mr. Hastings:

Q Has he got a family? A He has got a wife and child.

By Com'r Needles:

Q Do you want to enroll them? A No, sir.
Q You say the reason he does not apply in person is that he is incarcerated in prison and is not able? A Yes, sir.
Q What is his father's name? A Ed Henderson.
Q Is his father living? A No I think he is dead.
Q What is his mother's name? A Rachel Webber, she is dead now.
Q Is Rus Henderson on the roll of 1880? A I could not tell you.
Q Is his name on any of the rolls of the Cherokee Nation?
A I can't say.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Russell Henderson not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 187, #3434, Russell Henderson, no district given.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

By Mr. Smith:

Q Mr. Webber, do you know Rus Henderson for whom you apply?
A Yes, sir.
Q How long have you known him? A I have knowed him for about twenty years.
Q Did you know his mother? A Yes, sir.
Q Who is his mother? A Rachel Webber is her name.
Q Rachel Webber? A That is the name she bore at the time she died; that is the name she went by I suppose her right name would be Henderson.
Q Wasshe married to a man named Henderson? A Yes, sir.
Q Well, do you know whether Rachel was a slave or not?
A Yes, sir.
Q To whom did she belong? A Robert Webber and after her daughter died he gave her over to his daughter, Robert Webber.
Q Whose daughter? A Robert Webber's.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Where was Rachel Webber before the war? A Here in the Nation.
Q Did she go out? A Yes, sir.
Q When did she come back? A She come back with us, in the same crowd; she was the youngest aunt of mine.

Q How long did she stay with you after you came back to the Cherokee Nation? A She didn't stay very long, she was single and she worked around and finally got scattered and I could not tell you.
Q You can state about how long you all stayed together before she went off to work? A Not long.
Q Was she single at the time she left you? A Yes, sir.
Q Do you know where she went to work? A No, sir, I could not say where she went.
Q Do you know where Rus was born? A No, sir, I could not say.
Q Well, how long has Rus been in jail in Muskogee?
A Been there a little over a year.
Q Where was he living before he was placed in jail? A Living up here by Lenapah.
Q How far from Lenapah? A About three or four miles.
Q How long had he been living there? A A little better than a year.
Q Where had he been living before he moved there? A Lived with me three years before he married.
Q When did his mother die? A I don't know, I wasnt at her death; I could not tell you just the time, sometime before he come to live with me.
Q Do you know where she died? A I think she died at Dave French's on the Verdigris.
Q In the Cherokee Nation? A Yes, sir.

By Mr. Hastings:

Q How long after you came down here until Rus' mother married?
A I don't know just when she did marry; she was away from us.
Q Do you know where she married? A No, sir, her witnesses would know better than I do.
Q Who are her witnesses? A Sam Webber is a witness; and George Meigs he was living intheir neighborhood..
Q They know more about that? A Yes, sir; when she went away from us I didn't stay with the family much.
Q She lived with you on Spring Creek after the war? A Yes sir.
Q Up to that time she had no children? A No, sir.
Q Never been married? A No, sir.
Q Was she your mother's sister? A Yes, sir.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:

Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A About two miles west of here.
Q West of Nowata? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Rus Henderson? A Yes, sir.
Q When did you last him? A I saw him a week before last down here to Wagoner.
Q What was the circumstance of your seeing him in Wagoner?
A He was a prisoner.
Q Do you know who his mother was? A Rachel Webber.
Q Do you know who his father was? A I didn't know his father, didn't know him to be his father.
Q Who was he? A Henderson.
Q Do you know whether Rus Henderson's mother, Rachel, was ever a slave or not? A Yes, sir.
Q To whom did she belong? A Robert Webber.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation? A Yes, sir.
Q Where was he living at the time the war commenced?

A Tahlequah, on Caney.
Q And where was Rachel at that time? A She was down there too.
Q Do you know when Rachel came back to the Cherokee Nation after the war? A She come with this crowd, French and them, with French and William Webber here.
Q Well, William Webber and who else was along? A His mother, her sister and their sister, was Lucinda French and sister of Rachel Webber?
Q The Henderson? A Yes, sir.
Q Where did you see Rachel and when first after the war?
A The first trip we come to the Nation and she went back and come with her sister and them.
Q She came with you? A Rachel, about the first of July or August that I landed on Big Creek she was with her.
Q When? A '66.
Q Big Creek, Cherokee Nation? A Yes, sir.
Q Now, you say when you went back did she come with you?
A No, sir.
Q How did she get back? A I met her with French and them with this boy and them on Horse Creek; she come with William and her sister, Cinda and Linda and them.
Q What relation was Lucinda to Rachel? A They was; do you mean Cinda French.
Q Yes, sir? A Yes, sir; sisters.
Q Do you know whether Rachel was ever ~~married~~ enrolled on the 1880 roll or not? A I don't know.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother not found thereon.

By Mr. Hastings:
Q Who was Rus Henderson's father? A His name was Ed Henderson they tell me.
Q Did you know that they were married? A No, sir; I don't know for certain who is the father of this child, only what she said.
Q Well, when did you next see her after you said you saw her up here on Horse Creek? A I saw her at Uncle Billy Foreman's on Big Creek.
Q How long after that? A I don't know.
Q Well, about how many years? A It has been three or four years.
Q Was Rus born when you next saw her? A No, sir, he was born at Uncle Billy's.
Q Has Rus ever been out to Kansas any? A Not as I ever knowed of.
Q Well, has she since he was born? A Not as I know of.
Q How far did she live from you after he was born?
A Well, from there to French's on Cedar Creek, and the next time I saw her was across the river at Lenapah and the next time I saw her at Nowata and she died there.
Q When did she die? A She died at the big Delaware payment, and she sent for her son, Rus, to come over here and after that he was about here.
Q Did she ever live here and have a separate home or not?
A I don't know whether that was her home there at Lenapah, I saw her there in the house, keeping house.
Q Did she occupy a house with Henderson's father? A I don't know.
Q Did you ever know him? A I have seen him.
Q Where did he die? A I could not tell you where he lived.

Com'r Needles: William Webber applies for the enrollment of his cousin, Russell Henderson and he avers that said Russell Henderson is now incarcerated in prison so that he cannot be present in person. The name of Russell Henderson cannot be found upon the authenticated roll of 1880,, the census roll of 1896 or Kern-Clifton roll, but is identi-

fied upon the Wallace roll. He avers that he is a child of Rachel Webber, a sister of Lucinda Webber, the mother of applicant, William Webber. He is duly identified and makes satisfactory proof as to residence. The attorney for the applicant asks that the testimony taken in the matter of the enrollment of William Webber, who is listed for enrollment upon doubtful card #928; said testimony will be made a part of the record in the case at bar and copy thereof ~~xxxxx~~ filed herewith. The said Russell Henderson will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson

Subscribed and sworn to before me this 16th day of July, 1901.

Signed, T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellettex & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your postoffice? A Dewey.
Q What district do you live in? A Cooweescoowee.
QQ Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

By Mr. Smith:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A Lived in Flint District, at Webber's old sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?

A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.

Q Where do you live now? A Up about Dewey.

Q After you come down herein '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.

Q When did you come up in this part of the countryt close about Dewey? A I think it was '74.

Q Where have you been living since '74? A Right there where I am now.

By Mr. Hastings:

Q Who returned with you after the war? A My mother and all her children and step-father.

Q Dave French? A Yes, sir.

Q He is the man that brought you down? A Yes, sir.

Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brothers, Eli French.

Q Dave French's child? A Yes, sir.

Q What is your mother's name? A Lucinda French.

Q And you say you stopped a while on Timbered Hill?

A Yes, sir, and finallywent on and next stopped here at Pryor's Creek.

Q How long did you stop at Timbered Hill? A I don't remember; about a month.

Q Anybody living up there at that time? A I didn't see anybody.

Q You just camped around there did you? A Yes, sir, and made next stop on Pryor's Creek.

Q About what time of the year was that? A Along latter part of the summer or fall.

Q How many wagons did you have? A We only had one of our own.

Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '65.

Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.

Q How long had he been with your mother and family before you come down here? A He was up there off and on.

Q How long had you been with the family? A About three years I stayed up there.

Q Was he up there during that time? A He was up there backwards and forwards

Q How long had he been there immediately before he came down here?

A He was backwards and forwards down here in the Territory

Q Now, where did you go to when you come down here after you left Timbered Hill? A Went to Pryors Creek.

Q At whose house? A Didn't go to anybody's house

Q Just stopped on the prairie? A Camped on the Creek.

Q Dave French was along with you? A No, sir, he was not with us at that time.

Q Where had he left you? A I don't remember him being there at the time.

Q Did he move down with you? A He started with me.

Q Where did he quit you? A I don't remember where it was.

Q He was your mother's husband at that time wasn't he?

A Yes, sir, but he had another wagon and some other folks.

Q Do you remember who they were? A No, sir.

Q Didn't know them? A No, sir.

Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.

Q You came through Chetopa as you come down? A Yes, sir.

Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seen had the name and just one house.

Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It has the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A Yes, sir.
Q Did theyhave goods for sale there? A I don't think there was a family living in the house at that time.
Q Where did you settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you come back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horse racing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations? A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In town.
Q Anybody.s house? A No, sir, just in town.
Q What time of the year; how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down into Fort Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn't cooking there at that hotel, Polly Nivens?
A I didn't see her.
Q How long did you see L. D. Daniels down there? A I saw him there in '63.
Q I mean this last time after you come back? A Imsaw him there several times around there.
Q When did you see Sam Webber after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going North.
Q You didn't introdue either Sam Webber or L. D. Daniels before, did you? A No, sir, used French.
Q UsedDave French? A Yes, sir.
Q Where did you marry? A I married up there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being ~~ever~~ duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:
Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q ~~Was~~ Was he a citizen of the Cherokee Nation? A Yes sir
Q ~~Where was he living when the War commenced?~~
A Little creek called Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time?
A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.
Q Did you see him once or more than once there? A Only once there.
Q When did you see him next after that? A I saw him; it was either a year or two years after that down on Pryors Creek.
Q Where is he living now? A I was never at his house, he tells me he lives out west of here.

By Mr. Hastings:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I wasn't his witness, I would have remembered it if I had been his witness.
Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some woman and come up here and spent the winter of '65 and 6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.
Q You had been down here when you met this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
Q Yes. A The crowd that built over there on the Creek.
Q What time of the year was it? A Along in August, some time in the latter part as well as I can remember.
Q You met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Andy Webber.
Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave French.
Q Well, was anybody else along? A His aunts.
Q What were their names? A Rachel and one, Linda
Q Rachel what? A Rachel Webber.
Q And Linda WCbber? A Yes, sir.
Q That was all that was in that crowd? A His sister, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them in the wagons? A Stopped and talked to him.
Q How long did you stop? A Might have stopped an hour or so.
Q How many wagons did they have? A Inever noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber?. A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A No, I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than one time; the first time I met him, he was on the race track and I met him with Rube Still on the road track.
Q When did you next see him after that time? A I think it was in '71.
Q Where did you see him then? A At Timbered Hill, with Rube

Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up here I live up here.
Q How far does he live from you? A About 18 miles I guess.
Q How long had he been living there? A About 25 years or more.
Q Who was his mother? A Cinda Webber.

By Mr. Hastings:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don't know, looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes, sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him? A Yes, sir.
Q Big crowd of people there? A Yes, sir.
Q And for 55 years you have retained it in your memory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 55 years ago?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several times.
Q He stayed with Rube Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. By Mr. Smith:
Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards it never could be found.
Q What was your mother's name? A Lucinda Webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not? A Yes, sir, I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she? A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did.
Q Now, you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband? A Dave French.
Q David French? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, #1192, Linda French, Cooweescoowee District.

Q Now where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda Webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You neve now in Cooweescoowee District? A Yes, sir, I do.

L. D. DANIELS, recalled; By Mr. Smith:
Q Mr. Daniels, what did you say the name of this applicant, William Webber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber.
A Not that I know of.

Q Do you know who she was married to? A French.
Q Well, did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up and have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your own knowledge whether this man was ever taken or not? A yo, they was all in the house, they would go in the house one by one.

By Mr. Hastings:

Q Where did this man live then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mothers every once in a while.
Q Who was he working for? A For Delawares he told me.
Q Where did you see him? A At Gooseneck bend, below Gooseneck Bend.
Q What time of the year? A In the Spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled; By Mr. Smith:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A Me and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.

Mr. Hastings: The records ought to show that.

Com'r Needles: We have thrown away the records a long time ago.

Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooting you? A I don't think there was, not as I know of; I never heard of any.

By Mr. Hastings:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.
Q And he did the enrolling for the his family? A Yes, sir, guess so

By Com'r Needles:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

By Mr. Smith:

Q How old were you when you come back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #1864, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber Cooweescoowee District; "Child of Linda French, #5 Cooweescoowee District."

Com'r Needles: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

J. D. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. D. Rosson,

Subscribed and sworn to before me this 16th day of July, 1901.

Signed, T. B. Needles,
Commissioner.

- -

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this the 29th of July, 1901.

W. T. Needles
Commissioner
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 18 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
[illegible], I.T., June 20th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What District do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

BY MR. SMITH:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A Lived in Flint District, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the tme the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?
A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.

BY MR. HASTINGS:

Q Who returned with you after the war? A My mother and all her children and step-father.
Q Dave French? A Yes, sir.
Q He is the man that brought you down? A Yes, sir.
Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Neil French.
Q Dave French's child? A Yes, sir
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you stop at Timbered Hill? A I don't remember; about a month.

Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made next trip on Pryor's Creek.
Q About what time of the year was that? A Along latter part of the summer or Fall.
Q How many wagons did you have? A We only had one of our own.
Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '61.
Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.
Q How long had he been with your mother and family before you came down here? A He was up there off and on.
Q How long had you been with the family? A About three years I stayed up there.
Q Was he up there during that time? A He was up there backwards and forwards.
Q How long had he been there immediately before he came down here? A He was backwards and forwards down here in the Chickasaw Territory.
Q Now, where did you go to when you came down here after you left Timbered Hill? A Went to Pryors Creek.
Q At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Camped on the Creek.
Q Dave French was along with you? A No, sir, he was not with me at that time.
Q Where had he left you? A I don't remember him being there at the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he? A Yes, sir, but he had another wagon and some other Chickasaw folks.
Q Do you remember who they were? A No, sir.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.
Q You came through Chetopa as you came down? A Yes, sir.
Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log hut there was all the house I seen. had the name and just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It had the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have goods for sale there? A I don't think there was a family living in the house at that time.
Q Where did you settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you come back? A I saw Daniels.
Q At Gibson, didn't you A Yes, sir, horseracing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year, how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 31 years old.
Q What were you doing down to Fort Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept a boarding house there.
Q Kevin Vann? A Yes, sir.
Q Polly Rose wasn't cooking there at that hotel, Polly Rivens? A I don't didn't see her.

Q How long did you see L. D. around down there? A I saw him there in '65.
Q I mean this last time after you came back? A I saw him there several times around there.
Q When did you see Sam Webber first after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going North.
Q You didn't introduce either Sam Webber or L. D. Daniels before, did you? A No, sir, used E French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I married up there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q State your name. A Sam Webber.
Q How old are you A About 58.
Q Where do you live? A Two mile west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Recognized citizen? A Yes, sir.
Q Do you know this applicant, William Webber. A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a Citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living when the War commenced? A Little creek called Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time?
A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse creek.
Q Did you see him once or more than once there? A Only once there.
Q When did you see him next after that? A I saw him; it was either a year or two years after that down on Pryors Creek.
Q Where is he living now? A I was never at his house, he tells he he lives out west of here.

BY MR. HASTINGS:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I think wasn't his witness, I would have remembered it if I had been his witness.
Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.
Q And your father and some other people went up to see Chief Downing? A Yes, sir.
Q And you are the man that got some woman and come up here and spent the winter of '65 and 6? A Yes, sir.
Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.
Q You had been down here when you met this man? A Yes, sir.
Q Were you on your way back? A Yes, sir.
Q Who was with you? A When I was going back?
Q Yes. A The crowd that built over there on the Creek.
Q What time of the year was it? A Along in August, some time in the latter part as well as I can remember.
Q You met them on Horse Creek? A Yes, sir.
Q Who was with him? A His mother and brother.
Q What other brother? A Andy Webber.

Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave French.
Q Well, was anybody else along? A His Aunts.
Q What were their names? A Rachel and one, Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber? A Yes, sir.
Q That was all that was in that crowd? A His sisters, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them in the wagons? A Stopped and talked to him.
Q How long did you stop? A I might have stopped an hour or so.
Q How many wagons did they have? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A No, I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him, we was on the race track and I met him with Rube Still on the race track.
Q When did you next see him after that time? A I think it was in '71.
Q Where did you see him then? A At Timbered Hill, with Rube Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q How far does he live from you? A About 18 miles I guess.
Q How long has he been living there? A About 25 years or more.
Q Who was his mother? A Cinda Webber.

BY MR. HASTINGS:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don't know, looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes, sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him? A Yes, sir.
Q Big Crowd of people there? A Yes, sir.
Q And for 35 years you have retained it in your memory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several times.
Q He stayed with Rube Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. BY MR. SMITH:

Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards it never could be found.
Q What was your mother's name? A Lucinda Webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not? A Yes, sir, I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she? A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did.
Q Now, you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband? A Dave French.
Q David French? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, #1192, Linda French, Cooweescoowee District.

Q Now, where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda Webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You live now in Cooweescoowee District? A Yes, sir, I do.

L. D. DANIELS, recalled: BY MR. SMITH:
Q Mr. Daniels, what did you say the name of this applicant, William Webber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber?
A Not that I know of.
Q Do you know who she was married to? A French.
Q Well did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come to register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your own knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.
BY MR. HASTINGS:
Q Where did this man living then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mother's every once in a while.
Q Who was he working for? A For Delawares he told me.
Q Where did you see him? A At Gooseneck bend, below Gooseneck Bend.
Q What time of the year? A In the Spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: BY MR. SMITH:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A Me and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COM'R NEEDLES: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooting you? A I don't think there was, not as I know of; I never heard of any.

BY MR. HASTINGS:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.
Q And he did the enrolling for his family? A Yes, sir, guess so.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

BY MR. SMITH:

Q How old were you when you come back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber Cooweescoowee District; "Child of Linda French, #-5 Copweescooowee District."

COM'R NEEDLES: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

---oooOOOooo---

WILLIAM WEBBER--7.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 16th day of July, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. F. D. 813.

SUPPLEMENTAL TESTIMONY.

Appearances:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 65.
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave?
A Yes sir.
Q How long have you known him? A Gotacquainted with him--let me see--let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Gooseneck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then come back home on down Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I road along the railroad.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go then, back to where you were living? A I went back to Gooseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I

guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Mose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didxin't see anything of him? A No sir.
Q Did you go much about Mose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Mose Nave live from Fort Gibson? A 4 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creel.
Q Howf ar from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time, be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said--I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brummell a fellow around here like he dont know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

(signed) C. R. Breckinridge,
Commissioner.

To be filed with Jane Kernal Fr. D-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave, Jr.
Q How old are you? A I am about 43 or '4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
Q Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes, sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes, sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes, sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No, sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes, sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that name? A Yes, sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist., 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found:
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war, do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand River.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place; Bill Loody was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 43 or '4, I don't just know exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did, there was one family come with us that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes, sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash and your mother Mariah? A Yes, sir.
Q They were along were they? A Yes, sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was anyone with Dave or not? A He was with us.
Q Did he come in your wagon, or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along ~~xx xxx~~ ? A No, sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the Spring, I don't know exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes, sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on creeks.
Q Camped over nights? A Yes, sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes, sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.

Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No, sir.
Q Did you stay there you think as long as three months? A I don't know exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No, sir, we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment? A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand River and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about three miles above the Vann place, on Grand River.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No, sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No, sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at the Tom Rider place? A We stayed there quite a little bit.
Q Was that in the summer? A Yes, sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No, sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand River.
Q How long did you stay there? A We stayed there, I don,t know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes, sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mayes colored? A Yes, sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes, sir, it is on the easxt side of the Grand River.
Q Did you winter thate that winter? A No, sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We come to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes, sir.
Q Did you settle down there? Yes, sir, we wintered there.
Q You wintered there in the early part of '67? A Yes, sir.
Q Were there any Cherokees Living there at that Vann place then?
Q I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a cropthere in '67 and another in '68? A Yes, sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 P.M.

1 P.M.- This case continued; applicant on the stand,- examined
BY MR. HASTINGS:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No, sir.
Q Never heard him say about that? A No, sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. MELLETTE:
What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar CreeK.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Wash Nave? A Yes, sir.
Q Did you know his father? A Yes, sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes, sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes, sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes, sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes, sir.
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.

Q All these boys that you have named? A Yes, sir, all these boys.
Q Where did they come to in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a- old man Wash Nave was a brother of yours? A Yes, sir, own brother.
Q Full brother? A Yes, sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and uncle Bill Loody was living there.
Q Where did you fminally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They aredown there now.
Q This man? A Living there now, down on the river there.
Applicant? No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Coowescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No, sir, he has never been out to my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys? A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave, Sr., this man's father, die? A I don't know what time it was, I don't know.
Q How many years after you come back here? A Somewheres, now I didn't keep no account, he died a little after the Wallace court.
Q Do you remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No, sir, I didn't make no crop till the year '67.
Q You were in the army? A No, sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No, sir, I went there so often, backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas in '66? A I don't know.

Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No, sir, I went so many times that I can't tell who I came back with first.
Q You don't remember who you came back with first? A No, sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes, sir, I think my first trip back here after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a wile ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes, sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time,that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes, sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not?
Q He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we wasafraid of being killed.
Q You came to the old Rider place? A Yes, sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little northeast of Chouteau.
Q Were there any Cherokees living at the Rider place at that time? A Nobody there but uncle Billy Leody's family; there wasn't no Cherokees hardly in there at that time; they come xkxxg in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back? A I went back.
Q Next time you saw Wash Nave and family was on the east side of the river at the Vann place? A Yes, sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made two crops there.
Q Did you live with them ever there? A Yes, sir.
Q Did you help them make a crop there in '67? A Yes, sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows?

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes, sir.
Q You know the applicant here, Wash Nave Jr? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q Did you know his mother, Mariah? A Yes, sir.
Q Did you know them before the war? A No, sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand River.
Q When was that? A In the spring of '66.
Q Well now do you know that children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes, sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand River somewhereem I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes, sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes, sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they came there in April and I came there in March.
Q You had been there about a month then? A Yes, sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they came with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay there very long.
Q Where did he go from there? A Went down the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And them where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No, sir.
Q How long after that until you saw them? A They came back in the fall and stayed a while, visiting, along about the first of September I guess.
Q How long did they stay them? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have camp-meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time?
A No, I don't remember seeing them.
Q You cannot think that was in the early spring? A That was in April, I am sure that it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No, sir.
Q You know these facts them? A Yes, sir.
Q Did they have a wagon of their own when they came to your place?
A Yes, sir, they had a wagon, they came there in a wagon and went off in a wagon.
Q They had two wagons then, Dave had one and they had one? A Yes, sir.
Q You know whether they made a crop that spring? A No, sir.
Q You don't know what work, if any, they did that spring or that summer? A No, sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY. MR. KELLEYTE:
Q What is your name? A Katie Vann.
Q What is your age? A 84 years old.
Q Where od you live? A Lenapah.
Q Are you a freedman citizen o f the Cherokee Nation? A Yes, sir.
Q On the authenticated roll? A Yes, sir.
Q Do you know the applicant here, Wash Vann, Jr? A Wash Vann?
Q Wash Nave? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q His mother, Mariah? A Yes, sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well, there's another one.
Q You know his name? A I knew it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No, sir, I didn't.
Where did you first see them after the war? A On Grand River.
Q What place? A On the Vann place.
Q Which side of Grand River? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there? How did they come there? A They come in wagons and was camped there.
Q Besides the old man Wash and his wife Mariah, who were with them?
A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes, sir, this is one of them.
Q Have you known them from that time on? A Yes, sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand River somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved there.
Q How long had you been back at that time when you saw them there?
A I come that spring.
Q You came the same spring? A Yes, sir.
BY. MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter or maybe not so far.
Q How long did you continue to live there? A Oh I staid there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes, sir.
Q And you left that fall? A I left that summer, in August.
Q About what time o f the year do you think they came before you left? A They was plowing corn, it must have been along about may or June.
Q They were there when you left there? A No, they wasn't , they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes, sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment at that time? A Yes, sir.
Q You remember distinctly all four of them were along when you saw them? A Yes, sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Hayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No, sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission? A No, sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes, sir.
Q Do you know this applicant, Wash Nave Jr.? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q His mother, Mariah? A Yes, sir.
Q Did you know them before the War? A No, sir.
QC I will ask you where you first saw Mariah Nave and Wash Nave after the war? A Firstplace I saw Wash Nave was in Ft. Scott, Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Na tion.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand River was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes, sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes, sir, I taken the census in

Saline District in 1880 and I enrolled Wash Hare and his family, they were living near the bend, in Markham's Lick.
Q You were one of the Census takers for 1880? A Yes, sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was that you saw them at your store there after the war? A In '66.
BY MR. HASTINGS:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No, sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 8 years ago? A Yes, sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You knew they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No, sir.
Q You didn't make known at that time that you knew about it? A No, sir, there was no one asked me that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes, sir.
And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes, sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers', he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes, sir.
Q Was he there in 1880? A Yes, sir, that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes, sir.
Q There was 5 leading families in that case? A Yes, sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes, sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes, sir.
Q Running from 20 to 25 dollars apiece? A Yes, sir.
BY MR. MELLETTE:
Q Mr. Foreman, was that money the Representative of the Cherokee Nation asks you in regard to, was that paid you to induce you to swear a lie? A No, sir, it wasn't .
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend these places? A Yes, sir.
BY MR. HASTINGS:
Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes, sir.
Q And you only testified the one day in that case? A ~~Yes, sir~~ I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1894? A I lived down on the west side of Grand River.

Q Do you know Wash Nave Jr? A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man, Wash Nave.
Q That was Wash Nave, Jr's. father was it? A Yes, sir.
Q What was Wash Nave Jr's. name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December '66.
Q Do you know a son of Wash Nave by the name of George F? A Yes, sir
Q Did you see him at that time? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time? A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R NEEDLES:

Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek because Stevens never brought your pony back? A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No, sir.
Q You never seen him until he come to Gibson? A Yes, sir, and when he returned to get his folks and come back and old man Stevens come with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him? A Yes, sir; I didn't have any way but to keep it in my head and I remember it.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

(Signed) T. B. Needles
Commissioner.

Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., recalled and further examined:

BY COM'R NEEDLES:

Q When did your father, Wash, die? A He died in February, '91, about the 18th or 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr., applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this July 1st, 1901.

(Signed) T. B. Needles
Commissioner.

S U P P L E M E N T A L T E S T I M O N Y.

F.D. #818

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of the applicant:

APPEARANCES:
L. T. Brown, for applicant.
J. S. Davenport, for Cher. Nation.

L. D. Daniels, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name? A L. D. Daniels.
Q Your age? A 56.
Q Your postoffice? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880? A Yes, sir.

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D.W.VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have youx lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you got acquainted with him?
Q He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well how do you know he just moved from Kansas? A Well he told me so, and he was loaded up,, and he told me he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well that was the first time you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember?
A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Old Aunt Mary Nave, my father's sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.
MR. SMITH: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of wagons. Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken; Reuben and Dave they both worked in the same field I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well, I can't say exactly how old he was.
Q Well he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes, I guess I would.
Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you they had just come from Kansas? A Well, sir, I think it was the old man.
Q Well, don't you know? A Well I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk and had the trade with.
Q But you can't state, it has been so long ago you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say prettyr certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.
Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.
Q Did you ever testify before any other court than this court in this case? A Yes, sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.
Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.
Q I say that didn't have anything to do with where they came from? A No, sir.
Q Do you know a man named George Vann? A Yes.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, they called him Sleepy George, is it.
Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.
Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.
Q Was he around Vann's a good deal? people there? A Yes, he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewheres along after the war a short while.
Q Short while after the war? A Yes, sir.
Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since (96, did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say.
Q Where was he during the year of '67, if you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No, sir.
Q When did you first see him after the war? A I can't say when, positive when I saw him.
Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H.C.Ross, Judge Henry Ross? A I think they were cousins.

Q Are you acquainted with the handwriting of J. M. Ross? A No, sir.
Q You knew the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on ---
Q I mean before you went out that fall? A Well I just come there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay there that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the ~~Choctaw Nation~~ Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri? A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
Q I have been there ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

Taking of testimony continued by Stenographer J. O. Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(Signed) T. B. Needles
Commissioner.

October 21st, 1901.

WASH NAVE JR., taking of testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live? Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man named Wash Nave?
A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whether or not he went out during the war? A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you moved back to the Cherokee Nation you say in 1867, what part of 1867 did you move back? A I think it was the latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged toTHompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave, I think it was in '68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them, the old man and all the family.
Q What were their names? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well did you have any conversation with the old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why he had only recently come in there.
Q He was living there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir, I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I knew J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand River?
Q That was on Grand River where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission? A Yes, sir.
Q Did you state before that Commission that the first time you saw him here was in '69? A No, sir, if I did--I know I didn't because that was not the first time I ever saw him; I know Wash Nave before I lived right by him in Flint District.
Q Did you know George W. Vann, a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish George here, we used to call him George Springcreel, Spring Creek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places.
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, SPringcreek George, lived up east of where I lived when I knew him on the Rowe's Prairie on Springcreek called him Springcreek George. I never was acquainted with George until about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT: He has lived in Saline District hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir. Did you know S. H. Mayes, the chief Mayes, at the close of the War? A Yes, sir.

Q Did you see him shortly after the war? A Yes, sir.
Q Now when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand River.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.

MR. SMITH: Mr. Adair, did you go out of the Nation during the war, or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand River? A Well some time during the war, during the Civil War.
Q Well when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile Creek in '65 and after I left that place I came up here on Grand River in '66.
QX What time in the year '66? A It was as near as I can remember in the fall.
Q Where did you locate, what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile Creek? A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand River? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile Creek? A Yes, sir.
Q And then up on Grand River? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well now, how long after you moved down here before you saw Wash? A Well as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you can remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand River.
Q He was on the Dave Vann place in '68, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.

MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.

MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D. #821, 822 and 823.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this November 11th, 1901.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:
MR. SMITH: State your name? A Henry C. Ross.
Q Where di you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896? A Living right where I am now.
Q Did you hold any official position at that time?
A I did.
Q What? A Didtrict Judge.
Q District Judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you

and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that writtne by him? A That is Joe Ross' handwriting.
Q Did he swear to is before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shews that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissible in evidence at this time, beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to-day will be made part of the record in cases D-821, D-822 and D-823, and reference is made to the same.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No.80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation (Before the Commission on Citizenship July 13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a slave of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same, but returned in April, 1868, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,

Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sence a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that timeand embodied in his claim to be enrolled as a citizen.
Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.
Q Where is that original application? A I don't know.
Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the Chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.
Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true, whenever a clerk of the court would die, his records might as well be pitched into the xxx middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record--

MR. SMITH: The applicant furthermore objects to the offer of the above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. Hastings: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against

Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

(Seal)

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original testimony.

(Signed) H. M. Vance.

Subscribed and sworn to before me this 25th day of July, 1902.

(Signed) Bruce C. Jones,
Notary Public.

(Seal)

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony and proceedings in the above case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 31st day of July, 1902.

Bruce C. Jones
Notary Public.

Q. Why haven't she moved down here since A. I don't think I had.
Q. You didn't witness for the tribe before did you? A. I don't know.
Mom.

BY THE COMMISSION of the applicant:

Q. What is the reason that your name is not on the roll of 1880?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You weren't born at the time that the Dawes Commission was there, were you?
Q. You were born after that, weren't you? A. Yes, sir, I have been there with them.

Cross Examination by Mr. Leading:

Q. Why is it that you have not made application to the Commission to the Five Civilized Tribes and all the proceeding in the above cause and have failed to appear and offer your proof in support of the allegations contained therein?

Cross Examination by Mr. Wolfe:

Q. Where were you born?

(Answered) Over on Wolfe.

Subscribed and sworn to before me this 13th day of May, 1901.

(Signed) J. M. Leading,
Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 1 1901

To be filed with B-p-928

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 28thm 1901.

W. W. Hastings, Cherokee Attorney-
Mellette & Smith, attorneys for the applicant.

In the matter of the application of Ben French for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

xxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Dave French called and sworn as a witness for the applicant.

By Mr. Smith:

Q. What is your name? A. Dave French.
Q. What is your age? A. 72.
Q. What is your postoffice address? A. Lenapah.
Q. How long have you lived in tmxx the Cherokee Nation? A. Ever since the Spring of '39.
Q. Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q. Do you know the applicant here, Ben French? A. Yes sir.
Q. Did you know him just before the war? A. Yes sir.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. The Frenches.
Q. Where did they live? A. Flint District, Cherokee Nation.
Q. What was his master's first name? A ? Bob.
Q. What was his wife's name? A. Marguerite Fields before he married her.
Q. Was she a Cherokee Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the old st son, Henry, Joe and several other boys.
Q. Do you know what became of this applicant during the war? A. Went to Kansas.
Q. When did he come back? A. In '66 before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I left.
Q. When did yu leave there? A. The week after Christmas.

BY HASTINGS:

Q. Where did you go from there? A. Back to Kansas.
Q. Whexm did you go after? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife? A. Yes, sir.
Q. Your memory is faulty about your wife? A. (No response)

BY SMITH: "I object to that question."
Q. By witness of Hastings: "What did you ask me?"
By Hastings of witness: Q.Is your memory bad about your wife?

BY THE COMMISSION: Your recollection is bad about your wife's whereabouts then? A. Yes sir.

By Hastings:
Q. Where was she at the time? A. In Kansas somewhere.

Q. Why hadn't she moved down here then? A. I don't think I had.
Q. You didn't witness for this fellow before did you? A. I don't know.

BY THE COMMISSION of the applicant:

Q. What is the reason that your name is not on the roll of 1880?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You wasn't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes, sir, I have been there twice with rheumatism.

Chas von Weise being sworn states that asstenographer to the Commission to the Five Civilized Tribes he reportedin full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas von Weise.

Subscribed and sworn to before me this the 13th day of July, 1901.

(Signed) T. B. Needles.
Commissioner.

I, Frances S. Botefuhr, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I made the above and foregoing copy and that the same is a true and correct copy of the original offered in evidence.

Frances S. Botefuhr.

Subscribed and sworn to before me this 25th day of July, 1902.

Bruce C. Jones
Notary Public.

File with C. R. D. #945.

Supl.-C.F.D.#939.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of RUSSELL HENDERSON as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita, I.T., Attys. for Applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '63.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes, sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she every marry? A She married a man by the name of Ed Henderson.
Q How long did she live with him? A I don't know how long she lived with him; she had two children.
Q You don't remember the names of those children? A No, sir; I just know of them and that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I went there, the only barber there was in the town
Q Did he move away from there? A No, sir; he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes, sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people?
A Yes, sir; I have seen her passing around.
Q You know of her marrying Ed Henderson? A Yes, sir; having those babies, two of them andknow of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes, sir.

MR. MELLETTE:

Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q How do you know that? A Because I know that she was married to Ed Henderson in the seventies.
Q Now, what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? (No response.)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday; now then it ha been 30 years since you first saw her hasn't it? A No, sir; it hasn't been 30 years, I don't think.
Q How long has it been since you saw her? A I saw her in '75, or '6, somewhere along there
Q Now which was it '75 or '76? A Well, it was either one of the other.

Q Now, you don't know which one, do you? A No, sir.
Q That has been 25 years ago; is there any particular reason you had to know this woman? A No, sir; only I read in the papers of the separation.
Q She was a colored woman? A Yes, sir.
Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No, sir.
Q Where was she in the year '67? A I don't know.
Q Do you remember of seeing her in that year? A No.
Q Where was she in the year '66? A I don't know where she was; she was there though.
Q As a matter offact it is impossible for you to remember back, 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
Q Well, now, the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there?
A Yes, sir; I mean that they were there and lived there and had their residence there.
Q You don't pretend to say that this woman didn't come down to the Cherokee Nation during that time, do you? A No, sir.
Q You don't know what she did do; you said a while ago you saw her passing and repassing? A Yes, sir; and I say I know of her marrying Ed Henderson.
Q Well, did you have a personal intimate acquaintance?
A No, sir; I don't know as I ever spoke to this woman.
Q You don't know that you ever spoke to this woman; 30 years now you go back and say-? A Yes, sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
Q Do you know Ed Henderson was her husband? A Yes, sir.
Q I will ask you if Rus Henderson was not her husband?
A No, he was not.
Q You are certain of that? A Yes, I am certain of that.
Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes, sir.
Q Do you swear that she married Ed Henderson? A I swear that she pretended that they was; what they said, that she married him.
Q When did you hear that? A I heard it in I suppose in about '69.
Q Well, do you remember that it was in '69? A I can't keep the dates.
Q Did you know Ed Henderson? A Yes, sir; I knew of him, I seen him in his barber shop every day.
Q Were you acquainted with him? A No, sir. Only that he was Ed Henderson and kept a barber shop there.
Q Why should you remember it was in 1869 they married?
A I don't know why I should remember, O do though.
Q You swear they married in 1869? A It was somewhere in '68, '69 or '70.
Q Then you allow yourself a considerably wide ~~xxxxxx~~ range?
A Yes, sir.
Q This is the third case you have testified in since yesterday, isn't it; identfying freedmen as living in Fort Scott, Kansas?
A Yes, sir, and they lived there too.
Q And you are trying to identify a woman here with this woman you never saw there?
Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.
Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes, sir.

Q I will ask you if Martha Gales didn't marry Ed Henderson?
A Yes, sir, he lived with Martha Gales quite a while.
Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
Q I will ask you if he was not married to her when he was sent to the penitentiary? A No, he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?
A Yes, sir.
Q And after their separation he lived with this woman?
A I knew him, very well acquainted with hi m, when he lived with Martha Gales; she was a hair dresser.
Q And then after the separation he married this woman?
A Yes, sir; he married Rachel Webber.
Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No, sir; I never knew of her coming away after the separation.

MR. MELLETTE:

Q You don't know whether she came away or not do you? A No, sir; I don't know when she came away; I know they separated, I read that in the papers.
Q Where is Henderson? A He is dead; I heard the other day.
Q When did you hear that? A The other day.
Q How long ago? A A week or two ago.
Q You swore when you were here before he was living? A No, I swore he was at Fort Scott; I didn't then know he was in the penitentiary.
Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time?
A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scottthh last I knew of him; since I went there I heard he died in the penitentiary.
Q Now, say if you give this testimony in the case of Martha Gales: what became of Henderson? He is there yet? did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.
Q Are you swearing what you know or what you think? A How do you know it unless you think?
Q What made you swear he was there if he was not there? A Because I supposed he was there.
Q Are you swearing by what you know or by what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.
Q You hadn't seen Ed Henderson there had you? A Yes, I seen him not over three months ago
Q Didn't you swear just now in this case that he died in the penitentiary? A Yes, sir; he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, x that is the only thing I know about that.
Q You say: Henderson is living up there yet? Yes, sir?
A Yes, what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know, Mrs. Davis, whether he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years?

A I can't say; I don't know.
Q Did you say you saw him about three months ago? A I know he ain't been dead three years.
Q Did not you swear a while ago that you saw him just before you came down here on the other case? A No, sir; I didn't.
Q And didn't you swear in that Martha Coles case that Ed Henderson was living up there yet? A Yes, sir, because I supposed he lived there yet.
Q You were swearing by what you suppose? A That is the way everybody swears, of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, haven't you?
A Yes.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed Henderson? A Yes, sir.
Q And when you were down here before you hadn't missed him?
A No, sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No, sir.
Q When you went back you made inquiries and found out he went to the penitentiary? A Yes, sir.

MR. [illegible]:

Q You hadn't missed him? A No, sir.
Q If he has been dead three years you don't know? A No, sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Minerva Runyan.
Q What is your post office? A Fort Scott, Kansas.
Q What is your age? A 49.
Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes, sir.
Q Did you know Ed Henderson? A I did.
Q About when did you learn to know Rachel Webber? A Well, it has been about seventy something or another, I just could not say.
Q After the war? A Yes, sir; it was after the war.
Q Where did you know her? A In Fort Scott.
Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I did her.
Q Did they live together as husband and wife? A Yes, sir.
Q You remember about how long they lived together up there as husband and wife? A No, sir, I could not say.
Q Do you know whether they had any children or not? A I know they had one.
Q Do you know the name? A No, sir.
Q Born up there? A Yes, sir.
Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowlege they separated.
Q What did Ed Henderson do up there? A He was a barber.
Q Now, how long did you continue to know Ed around there?
A Well, I could not say just what time in the sixties.
Q You mean further on up the other way? A Well until his death.
Q You understood he died? A Yes, sir; I understood he died; I could not say positive for that; it was just through the paper. I could not swear to that for I didn't see it.

MR. [illegible]:

Q When did he die, Ed Henderson? A Well, now, I could not just tell that.
Q Well, how long ago, Mrs. Runyan? A If I remember rightly, it was in the fall; in the fall or latter part of the summer.
Q What year? A In 1901 I think.
Q Do you swear to that positively? A No, I don't swear to that positively.
Q Yousaw it in the paper? A Yes, sir.
Q Well, now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back 30 years and locate a colored woman with whom you weren't well acquainted? A Because they lived right there in the town where we did.
Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties?
A I don't believe he married in the sixties.
Q When did you first see Rachel Webber? A When I first saw Rachel Webber, in the seventies.
Q What year? A I can't tell the year; best of my recollection it must have been about '73; I know it was a few years before I was married.
Q What makes you think it was in '73, that has been about 30 years ago now? A How one thing that I can go by, my sister and I were passing her house once about three years before I was married and we was crossing a little stream, crossing that stram the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is where I got the one child from.
Q Well, now, there is three years before you were married you were passing Rachel Webbers house and fell in the water? A Yes, sir.
Q And that was about three years before you were married?
A Yes, sir.
Q And how long ago have you been married? A 26 years.
Q And that was about 29 years ago? A Yes, sir.
Q Is that the Rachel Webber that is concerned in this case?
A Well, that is a Rachel Webber.
Q I ask you the question? A Yes.
Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well, I don't know.
Q How many cases have you been to witness here yesterday and today? A Three.
Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes, sir.
Q How old were you in 1870? A In 1870?
Q Yes. A I was about 18 years.
Q Were you acquainted with Rachel Webber ? A Well, not personally acquainted with her, no.
Q Ever speak to her? A Yes, sir.
Q Well, now, when did you first see her; when did you first remember seeing her, what year? A I don't know.
Q Where was she in 1866? A I don't know.
Q Where was she in 1867? A I don't know.
Q Where was she in 1868? A I don't know.

MR. HASTINGS:

Q You know about three years before you were married you stopped in there and she had one child? A Yes, sir.
Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes, sir.

I, J. O. Besson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes, that I correctly recorded the testimony and proceedings in this case on this day, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

J. O. Besson

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1902.

In the matter of the application of Jane Kernel for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-856.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 815 be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 3d day of July, 1902.

(signed) P. G. Reuter,
Notary Public.

(Seal)

6666666666666

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and that the same is a true and correct copy of the original transcript.

H M Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce B Jones
Notary Public.

78928

F. D-928.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of William Webber for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-928.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 23rd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said William Webber to enrollment as a citizen of the Cherokee Nation. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in the cases of Freedman Doubtful 813, Freedman Doubtful 856 and the statement of Dave French in Freedman Doubtful 935, be introduced and made a part of the record in this case.

COMMISSION: In addition to the case at bar, this testimony will be filed with and made a part of the record in the case of Russell Henderson, D-929, who is also represented by Mellette & Smith.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAIR for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Webber, D 938;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

COMMISSION TO
FILED
AUG 1 1902
ACTING

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Bert Henderson, D 943;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the records other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

To be filed with 940
941

Birt Henderson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-818, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.
(SEAL)
(signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the foregoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce G Jones
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedmen, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. D. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the office of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902 and from day to day thereafter until the same could be heard by the Commission, the usual business hours.

Cherokee Nation represented by Assistant Attorney L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Clarenore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of this country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I came back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Gibson and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged? A I don't remember whether he belonged to Wiley Whitmire or Lee Whitmire.
Q If you can say when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I remember it was in February, and I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 25 to 30 wagons and I met them right on this side of the Neosho River; Ike Whitmire, Moses Whitmire, Aaron Whitmire and old Wiley Whitmire all I remember to be with them.
Q Did you have any conversation with them, talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Whalen place and Neosho River.
Q How far from the Neosho River? A I am one half a mile.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q How far from the north line of the Cherokee Nation?
A I think the given is the line, about half a mile.
Q And how far is Bell from the Canada line? A The Neosho is the line, why I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McBain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived where? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he whom you met him? A He is an older man, I think than I am.
Q And you say other than him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. MATHEWS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Ft Gibson? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughtwhere he lives. I have saw him ever since I have been here. I dont think I ever was at his house.

---oooOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. B. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers Com'n on Citizenship," as follows

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed on the 26 of June.
1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, Q"Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.
The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.
Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Befor the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 238, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court,

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time; and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number The claimant was one of hem. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Leslie, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting hom es. When I moved with my family I stopped on Verdigris Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsly settled and bare of subsistance. As I was passing down the first time we were overtaken by the Brooks party then. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left ther there when I left. It was reported when they return d to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Whistler.
his M.

Aaron Whitmire)
vs) August 1, 1896.
Cherokee Nation.) Rutford Beasley, witness for claimant, called and sworn.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

POOR ORIGINAL -
BEST AVAILABLE COPY

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his brother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they could go there they could get some. He also represented that they had come over to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. It was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

R. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me when and still lives in my family. Jack Landrum was one of the band above referred to, also Benson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that come with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Beigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name may any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Dan, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Beigs and the families of those who had families all came as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Henry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Moses Whitmire.
mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to permit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to return to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty [illegible]

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1892.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coowescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recall of having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, [illegible] Meigs, Mike Sanders, Sam Webber, and Andy Sam, Bill Vann and others but Ido not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans. that were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired he road to Big Creek, Nelson got that the direct road to the head of Big Creek. They stated the reason they were coming was that the Cherokee Delegation had been down to see them under the treaty. They mentioned Jim Vann as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I met claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the first of October, 1866. I am positive it was before Christmas at I left there on Christmas or probably a few days before Christmas.

Cross Examined

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties [illegible]

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4" 1873.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claiment before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for he purpose as they said at the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the tire they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding Wild Cattle. I travelled a good deal in that neighborhood at what time spoken of.

"Continued on page 203."

Aaron Whitmire et al) July 19th 1878.
vs)
Cheroke Nation.) John Riley,
sworn as witness for Deft. I live in Coowescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pot r Helgs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Bankrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Doody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Blanford Alberty being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennin was not along, as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley. (Page 203)

About the rid le of [illegible] first saw this party with their families at their new homes. Himself and others of this colored party told witness that they returned in [illegible] 1867 to the Nation.

Re Direct

I learned from John Foker that most of this colored party returned to Tahlequah after their families and [illegible] trained. I was at General Convention of [illegible] Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time hereinmentioned U. S. Agent but was a Delegate and was Agent afterwards.

R. T. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah May 10, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that he was stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL)

(Signed) P. C. Peuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, As the same was carried by me.

Arthur G. Evans.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce G. Jones
Notary Public.

File with Cherokee Freedman No

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wyner, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~came~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.

Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir

Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house and fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Webber lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Rogers, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wyner.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Mm Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with an his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

****

Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

.....

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. W. D. 360.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 30.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Minnie Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes,sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes,sir.
Q Where was he living at the time? A He lived with the elder Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little knock legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dages you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce G. Jones
Notary Public.

 (Continued from Steno. Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

--oo--

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City,
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

POOR ORIGINAL -
BEST AVAILABLE COPY

Q You said I believe you know they were [illegible] in the fall? A Yes sir, that is all I can state positively. I [illegible] how long they were there.
Q You know that by your sons? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Till you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q There was Sam Webber, Jr., in February 1866? A I don't know.
Q There was he in October, 1866? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come over here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865, was it? A Fall of 1866.
Q I am talking about 1866? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q About young Sam Webber? A Yes, sir.
Q Now you say you knew young Sam Webber, the younger of the two? A Yes, sir, I mean young Sam and old Sam too.
Q Did you know young Sam Webber called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q About Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q How is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but about coming and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '65.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall,

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Ben Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember if Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time; I don't know, but it runs in my mind is February or March; I wont say anything about that.
Q What year? A '67.
Q You say you won't say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know that I seen him there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You won't say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course these dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one room to the other, and that was in the fall.
Q You didn't go out of that farm? A No sir, just moved from the east to the west door.
Q And you were a boy about 15 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that happened; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '66, 2 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you gave? A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November and of the two months between we moved them.

Q Did you never missed them up there in 1865 did you? A No sir.
Mr. Smith: I object to this; it is not competent whether he missed them or not.
Q Did you ever miss them up until the summer of 1867? A No sir, I had no recollection of them leaving there until then.
Q That is your first recollection of them leaving? A Yes, sir.

Henry A. Hicks; being sworn and examined by Commissioner Brooks testified as follows:

Q Give me your name, please. A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 57 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1867.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q May I would like to have your best judgment Mrs. Hicks as to the time did Sam Webber moved with his family and children from that country? A -

[redacted] 9

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Sy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras roots.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Will now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee [illegible] in 1866 that you testified about? A Why I don't know; he went in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You won't be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certian it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. when they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir. sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that thye trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY Mr. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

Doc Nos (.072) 16

given by Seb Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Rose, be filed in case Cherokee Freedmen Doubtful case, Jefferson Rose, and in Cherokee Freedman D-496, of the Dawes Commission, and in Cherokee Freedmen D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN G. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.W.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

--oo--

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 38.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him there often and so for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I dis-remember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(Signed) M. D. Green.

Subscribed and sworn to before me this November 18, 1901.

(Signed) W. E. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Bruce E. Jones
Notary Public.

POOR ORIGINAL -
BEST AVAILABLE COPY

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 2nd 1902.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined, and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Chifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 151, No. 2748, Elizabeth Meigs, Coowescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was Auntie Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all came together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Port Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Any Creeks? A No sir, never saw none
Q You didn't see any body on Pig Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Haigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Mayfield.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know.
Q You know he was disputed? A I dont know anything about it, I never paid any attention to any such things as that then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir by the council before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is now you? A Yes sir
Q What court do you know? A Kenna Chief's court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done. My man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to move from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SAUNDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil War broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:

Page 173, No. 2637, Reuben Sanders, Coowescoowee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Where was it sitting? A At Tahlequah
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson McDaniel was Chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Goosenock Bend, at the time.
Q Do you know the applicant Eliza Beth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In 1872 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 16 or 18 years old when you came back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married 30 years.
Q How long had you been here before you married the first time? A. A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q When you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Sam and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we come here in the winter of 66 is what I said, in January that if we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Jenkins:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A The family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q You mean only of that family, there were other families were there also? A Old man Billie Perman.
Q Who else? A He had several children.
Q Other heads of families I mean? A Fannie Sanders; I dont recollect who else; I dont know as I can call the names of all of them.
Q Some of the Webbers along? A Yes sir.
Q Old man and young Sam? A Yes sir,;I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By [illegible]:

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may ha e.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, ther- there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What man were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kantas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, When did he come back after his family? A The third time he brought his family.
Q You stayed here then? A Yes sir.
Q When did you come? A In the winter.
Q [illegible] January? A [illegible] been in December.
Q What was that February trip you spoke of? A It was in the [illegible] snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter did all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q [illegible] went back to Kansas he went back? A Yes sir, that [illegible] my knowledge.
Q Was he ever there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q You remember distinctly that Peter came with you in August [illegible] Yes sir.
Q You remember distinctly that he come with his family when you [illegible] last trip? A Yes sir.
Q [illegible] A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get the official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for stating this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this May 23, 1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Fineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes,sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes, sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes.~~
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs ~~et al for~~ enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances.

L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 39.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Then was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Appl.-C.T.D.#775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right- of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Chouteau about ten miles.
Q Do you know Samuel Bock, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Cherokee, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's Lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooCOOcoo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

T B Needles
Notary Public.

F. D. 891.

To be filed with F. D. 945.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made: but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Nepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the under part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door: Eli Mackey, colored, was standing on the walk when I went into Hayfords: a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if he was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill. going toward the mill; he had stopped and the sack of flour was on the ground beside him: his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Londer, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and his wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 100 yards off and southwest from my house. After the firing heard someone riding past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but would'nt answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's [illegible] a shot fired, and soon after heard a ran holloa; ran out and first shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; His face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Sargeant, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be par. Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting [illegible] be-
fore his trial came off the prosecuting witness left the county
unknown, and Macley was discharged without trial. Let him be tried
for the offense with which he now stands charged and if guilty he
should expiate his crime on the gallows.'

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February 27, 1897, as follows:

'Eli Macley, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension.'

MR. HASTINGS: The Cherokee Nation offers in evidence [illegible] from the Fort Scott Monitor of Wednesday, [illegible]:

"A Chapter of Horrors.

Murderer of Hayford Captured [illegible]

Tragical events connected with [illegible]

The history of our community for the past [illegible] with horrors, such as will, for long days to come, weigh down the hearts of our citizens with gloom.

A few weeks ago, we published an account [illegible] Macley, the black fiend, who last winter murdered [illegible] Ever since that time the officers of justice have been [illegible] with a view of his recapture, and on Wednesday, [illegible] Sheriff Wheaton, having learned that the murderer was secreted in his brother's house, about five miles northeast of this city, started in Company with his son, Charles T. Wheaton, [illegible] on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery: but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had come around and headed by Capt. Curtis Johnson, Mr. Files and [illegible] started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always deprecated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be [illegible] ticated.

The body of Mr. Coe was brought into the city, on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still labouring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '68, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '68. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth: yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
Q Of February following, of '87? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford befre he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS. What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-816, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-398, D-411, D-402, D-401, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip G. Bouton.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of William Webber et al., as Cherokee Freedmen, consolidating the applications of

William Webber, ... Cherokee Freedmen D. 928
Birt Henderson, ... Cherokee Freedmen D. 943.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by William Webber for himself and by Birt Henderson for himself. Copies of the testimony taken at various times in the following Cherokee Freedmen cases, viz: George Starr, et al, Ben French, Jane Kernel, Russell Henderson, Edward Wright, Elizabeth Meigs,et al, Samuel Beck, Aaron Webber and Joe Ross, are made a part of the record herein.

The evidence shows that the applicant William Webber was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion but returned to the Cherokee Nation, with his mother, Lucinda French, prior to January 19, 1867.

The evidence further shows that the applicant Birt Henderson was born since 1866 and is a son of Rachael Henderson (formerly Webber), who was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion but returned thereto prior to January 19, 1867, with the said William Webber and Lucinda French.

The evidence further shows that William Webber has resided continuously in the Cherokee Nation since 1866, and that Birt Henderson has resided in said Nation all his life.

It is, therefore, the opinion of this Commission that William Webber and Birt Henderson should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 19 1906

DEPARTMENT OF THE INT...
COMMISSION TO THE FIVE C... TRIB...
FILED
SEP 30 1901
ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 23 1901, 190.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedman.

Mee[illegible] Sam[illegible]
Attys for Applicants

Cherokee Freedmen #[illegible]

F. D. 943

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190....

Given under my hand this .....

day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of SEP 23 1901 190.

Millard & Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the .. day of ..... A. D. 190..

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 24 1901

SEP 24 [illegible] ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Birt Henderson for enrollment as Cherokee Freedmen:

Case No. F. D 943

To Birt Henderson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 9 o'k A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 2 day of [illegible] 1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

FILED
MAR 21 1902

ACTING CHAIRMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Birt Henderson,
Talala, I. T.
Cherokee F-D-943
Register.

Cherokee Freedmen
928 and 943.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of William Webber and Birt Henderson as Cherokee freedmen.

You are advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Commissioner in Charge.

Encl. V-10

Cherokee Freedmen
D-943.

Muskogee, Indian Territory, May 24, 1904.

Birt Henderson,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Register

Enc. D-28.

Cherokee Freedmen
D-928 & D-943.

Muskogee, Indian Territory, May 24, 1904.

Edgar Smith,

Attorney for William Webber et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the applications for the enrollment of William Webber and Birt Henderson as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Register

Enc. D-29

Commissioners:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDING.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C F 1354

Muskogee, Indian Territory, December 8, 1904.

Birt Henderson,
Lenapah, I. T.,

Dear Sir:

You are hereby advised that the name of yourself
appear upon a partial roll of Cherokee freedmen approved by the Secretary of the Interior on November 16, 1904.

You are further advised that you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and select allotments for those whom you are entitled to represent when your ticket of admission is reached in the regular order.

Respectfully,

Chairman.





Department of the Interior,
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Mr. Mic[illegible]enderson,

Lenapah, Indian Territory.


1904
RECD.

Department of the Interior.
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.



Cher Fr 1355

Cher Fr 1355

COMMISSION TO THE

FILED

JUL 1

Department of the Interior,
Commission to the Five Civilized Tribes,
June 28th 1901, Nowata, I. T.

In the matter of the application of John Rowe for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. John Rowe.
Q How old are you? A. I dont know exactly.
Q Well about how old? A. About 48 years old.
Q What is your post office address? A. Catoosa.
Q In what district do you live in? A. Coowescoowee district.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir
Q Who else do you desire to have enrolled besides yourself? A. No body, just myself.
Q Is your name on any of the rolls of the Cherokee Nation? A. Not on any of the rolls.

The rolls of the Cherokee Nation in the possession of the Commission examined and the name of the applicant not found .

Q What is your fathers name? A. John Rowe.
Q Is he living? A. No sir.
Q What is your mothers name? A. Emily.
Q Is she living? A. No sir.
Q Where were you born? A. On Spring creek.
Q In the Cherokee Nation? A. Yes sir.
Q Where have you lived all your life? ? A In the Cherokee Nation.
Q Were you a born slave? A. Yes sir.
Q Who did you belong to? A. Mrs. Cherokee Landrum.
Q Was she a Cherokee citizen? A. Yes sir.
Q And Indian? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Are you married? A. No sir.
Q Never have been? A. No sir.
Q Where were you taken to during the war? A. To Kansas,
Q When did you return? A. In '65.
Q Have you been here ever since? A. Yes sir.
Q Why is your name not on the roll of 1880? A My mother, she and her brother, Irving Vann, they made claim to have their names put on; he went to Tahlequah in '66, he was to tend to her business for her and her children, she wasn't able to tend to it for herself, and heagreed to tend to it for her and he never done it.
Q Did you apply to the Kern Clifton Commission? A. Yes sir.
Q You didn't get any money from them? A. No sir
Q Where have you lived since '65? A living in the Cherokee Nation.
Q Never lived out of it? A. No sir only during the war and when I took cattle to market.
Q Where did you return from in Kansas? A. My mother was there in Fort Scott.
Q Where di you come to? A. Fort Gibson.
Q Who with? A. My uncle, and with all the crowd of people.
Q Give me the names of some of them? A. Irving Vann.
Q Is he living? A. No sir.
Q Any one else? A. Lots of the, I wasn't old enough to remember them
Q How old were you? A. Just could remember.
Q You remember that you were in Fort Gibson in '65? A. Yes sir I was in Gibson when the 1880 roll was made.

By W. W. Hastings, Cherokee representative-

Q Where did your mother apply before the Kern-Clifton commission for your aid? A. [illegible]

Q Under what name? A. Name of Emily Vann I believe.

By Commission.

Q Her name was Emily Vann before she married your father was it? A Yes sir.
Q What was the name of her owner? A. Vann.
Q How long has she been dead? A. Two years this last April.
Q How long has your father been dead? A. A years this July.
Q Where did your mother die? A. Near Calhoun on Bird creek.
Q What name did she go by when she died? A. Vann.
Q What else? A. Rowe is my fathers name, she went by that too.
Q Where were you born? A. On Spring creek?
Q Who owned you before the war? A. Mrs. Cherokee [illegible] Landrum.
Q What was her husband's name? A. High Landrum.
Q Did they have any children before the war? A. I think they did.
Q Do you remember them? A. Yes sir.
QWhat were their names? A. I forget, Joe I think was one.
Q What kind of a house did they live in? A. [illegible] I has forgot the house, that is a good while for me to remember, it was there on Spring creek.
Q You dont know what kind of a house it was? A. I dont know if it was a log house, I think it was.
Q You are not certain? A. No sir.
Q Who did you go out of the country with? A. With the soldier
Q Where did you go to? A. Fort Scott, I believe.
Q Did your mother marry up there? A. No sir.
Q Your father wasn't up there with you? A. No sir he went the other way.
Q You claim through your mother? A. Yes sir.
Q Did your mother ever have another husband up in Kansas? A. She had one man, he died.
Q What was his name? A. Ned Bruner.
Q Was he a state man? A. No sir.
QWhere did he die? A. Got Killed between here and Coffeyville.
Q Has she had a man since then? A. No sir she was always a widow after that.
Q Have you any sisters or brothers older than you? A. All dead.
Q What was the next younger than you? A. None born since the war.
Q Did you come back with your mother? A. Yes sir.
Q Where to? A. Fort Gibson.
Q Direct from Fort Scott? A. Yes sir.
Q Do you remember what year that was? A. '65 I was told, that is what they all said.
Q Do you know? A. You know I dont know exactly.
Q Now with whom did you first live in Fort Gibson? A. Irving Vann.
Q He is Dead? A. Yes sir.
Q Is his wife dead? A. No sir.
Q What is her name? A. I forget—aunt Harriett Vann.
Q You lived with them? A. Yes sir.
Q Did he have her for a wife when ya lived with him? A. No sir
Q Did he have any children then? A. Yes sir, I believe Fannie Vann was there.
Q Is she living? A. Yes sir.
Q What is her name now? A. I dont think she is married, it was Vann the last time I seed her.
Q How. How long did you live with Irving Vann? A Lived there [illegible] or 10 years [illegible]

Q All the time? A. Yes sir.
Q What part of the town did you live in? A. Over west of town right there where they crossed the river, I think the channel of the river is there now.
Q Did your mother live with him? A. Yes sir.
Q How long did she live with him? A About the same length of time.
Q Did she ever go back to Kansas? A. No sir.
Q Where did you go after you left there? A. Braggs, where I had some half sisters.
Q Did they live in town? A. No sir in the country back of the town.
Q What are their names? A. Lenvina and Sylvia Sharp.
Q How long did you live with them ? A Off and on all the time.
Q I dont want any off and on, I want to know how long you lived with them? A. As much as two years.
Q Where did you go then? A. I have lived backwards and forwards herding cattle for Blackston e and Severs.
Q Have you ever been back to Kansas? A. I suppose I have with cattle, taking cattle to market.
Q Did you ever work there? A. No sir, only unloading the cattle.
Q Just there and back? A. Yes sir.
Q Where have you lived for the last 10,15 or 20 years ? A From Wagoner to Bird creek.
Q Who with? A. With myself.
Q You have never married? A. No sir.
Q Live in a house by yourself all that time? A. I and my mother.
Q She died in the Charokee Nation did she?A Yes sir.
Q You didn.t draw any Cherokee strip money? A. No sir.
Q Any Wa lace money? A. No sir.
Q You you make a statement before the Keam Clifton Commission? A My mother applied.
Q What witnesses did she have? A. I dinremember what witnesses she di have.
Q You think she could go only by two names, Vann or Rowe? A. Yes sir I guess that is all.
Q You never heard her called by any other name? A.No sir.

L. D. Daniels, called and sworn as a witness for the applicant--

Q What is your name? A. L. D. Daniels, age 56, postoffice Claremore.
Q Do you know the applicant here? A. Yes sir.
Q John Rowe? A. Yes sir.
Q How long have you known him? A. I have known him ever since the Rebellion, after the war.
Q Do you know if he was a slave? A No sir, I only seed him first when his mother brought him to Gibson to his uncle Irving Vann's.
Q When was that? A. Spring of '66.
Q Have you known him since that time? A. I have seen him several times since.
Q Do you know his mother? A She is named Emily Vann.
Q Was she a slave? A. So said to be, I dont know it of my personal knowledge.
Q You saw her in Fort Gibson in the spring on '66? A. Yes sir with her two boys.
Q What was the other boy's name? A. Joe.
Q Have you seen him continually since? A. The next time I seed him was at Tahlequah in '68 when they was taking the census in the Wallace court, and I seed him in the Keam Clifton court.
Q Was you a witness for his mother before the Keam Clifton cou t? A.

I never seed his mother there.
Q She applied there? A He was there but I dont know if he was an applicant or not.
Q You wasn't a witness for him? A. No sir I know I wasn't.

By L. B. Bell, Cherokee attorney-

Q Do you know this man to be the same boy that you saw in '96 at Irving Vanns? A. Yes sir, Irving Vann kept him a good while there in Gibson.

By Hastings-

Q Which is the older of these two boys? A. Joe.
Q How old was this applicant then? A. A small boy.
Q 4 or 5 years old? A. Yes sir about that.
Q Do you remember him? A. Yes sir, if I didn't I wouldn't say so.
Q Who was Irving Vann living with then? A. Sinda Beck.
Q Did he have her for a wife? A. She was living with him.
Q That was when this applicant was there? A. Yes sir.
Q How long did you see him around there? A. I dont know, I dont think I saw him there after '97.
Q What became of him after that? A. I heard he was over with his father in the Creek Nation.
Q What was his father's name? A. John Rowe.
Q What became of this boys mother? A. I do not know where she is, I think she is dead though.
Q Do you know where she went from there? A. She went back to Kansas and left her boys in Gibson with Irving Vann'
Q How long did she stay there before she went to Kansas? A. 3 or 4 months.
Q When did you next see her? A. I saw her up here, never saw her in Gibson any more, it was after I moved up in this district that I seed her.

Kate Vann, called and sworn as a witness for the applicant-

Q What is your name? A. Katie Vann.
Q What is your age? A. 34.
Q What is your post office address? A. Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q A freedman? A. Yes sir.
Q Do you know the applicant, John Rowe? A. Yes sir.
Q How long have you known him? A. I have known him ever since he was born.
Q Do you know his mother? A. Yes sir.
Q What was her name? A. Emily.
Q What? A. She sprung from the Vann's, her Mistress married a Landrum
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Mrs. Landrum
Q Was she a Cherokee citizen? A. Yes sir.
Q Was John Rowe born a slave? A. Yes sir.
Q Was his mother and he out of the Cherokee Nation during the war? A Yes sir.
Q Where did they go? A. To Kansas.
Q What relation is his mother to you? A. No kin at all.
Q When was the first time that you saw John and his mother in the Chero-

okee Nation after the war? A. I saw John, I didn't see his mother until about the Wallace court, before the Wallace court
Q When did you see John? A. 28 years ago in Saline district.
Q Was that the first time you saw him since the war? A. Yes sir.
Q Where has he lived since? A. In the Creek Nation with his father.
Q Do you know his father? A. Yes sir.
Q What is his name? A. John Rowe.
Q Was he a Cherokee slave? A. Yes sir.
Q Who did he belong to? A. Dave Rowe.
Q Was Dave Rowe a Cherokee citizen? A. Yes sir.
Q Did he go out of the Cherokee Nation during the war? A. Yes sir before the war.
Q When did he return? A. In '66 from the south.
Q He went south then and his wife went nor th? A. Yes sir.
Q And the first time you ever saw this applicant since the war was 28 years ago? A. Yes sir
Q Do you know where he was in '66? A. No sir I heard of him being at Fort Gibson, I dont know though

By Hastings-

Q You didn't witness for this applicant before the Kern Clifton Commission did you? Al No sir.
Q Or for his mother? A. No sir.
Q Did she apply? A. Yes sir.
Q Under what name? A. Rowe or Landrum.

Nick Landrum called and sworn as a witness for the applicant-

Q What is your name? A. Nick Landrum.
Q How old are you? A. I dont know exactly.
Q Well about how old? A. I cant get at it, Mr Bell there heknows
Q I am not asking Mr. Bell--are you about 50? A. I says I am 51.
Q You are 51 then? A. Yes sir.
Q What is your post office address? A. Coffeyville.
Q Do ya live in the Cherokee Nation? A. Yes sir.
Q Do you know the applicant John Rowe? A. Yes sir.
Q How long have you known him? A. The first time I seed him was the year before the war.
Q Did you know his father? A. Yes sir.
Q Did you know his mother? A I knowed Emily Landrum.
Q Was she a slave? A. Yes sir..
Q Who did she belong to? A. Mrs. Cherokee Landrum
Q Was you a slave yourself? A. Yes sir.
Q Who did you belong to? A. Mrs. Cherokee Landrum.
Q Was John a slave? A. Yes sir, and we was both boys there together.
Q Where did he go during the war? A. I suppose he went to Kansas.
Q How long after the war was it that you first saw him again? A. I dont know.
Q Do you know where he was in '66? A No sir.

By Com'r Needles,-

John Rowe applies for himself; he is not found on any of the rolls of the Cherokee Nation in the possession of the Commission; he avers that he is the son of one Emily Vann and that she was the slave on one Mrs. Cherokee Landrum, a Cherokee citizen, and that he was himself a born slave. He avers that he

was taken out of the Cherokee Nation during the war, and returned in 1866 and that he has resided in the Cherokee Nation ever since that time. He is not married and has no children. He will be listed for enrollment as Cherokee freedman on a doubtful card, awaiting the further consideration of the Commission, and he will be notified of the final decision of the Commission, when the same is arrived at.

* * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Chas. von Weise

Subscribed and sworn to before me this the 12th of July, 1901.

Commissioner.

(D) 10922

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 2, 1901

Post Office Catoosa I. T.

District Coo

1. Name John Rowe Age 45

Owner's name Dick Landrum Citizenship Cherokee

Year ... Page ... No. ... District ...

Parents:

Father Geo Rowe — dead Citizenship ...

Mother Emily " — dead Citizenship ...

2. Name of wife ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ... Year ... Page ... No. ... Dist.
4. ... Year ... Page ... No. ... Dist.
5. ... Year ... Page ... No. ... Dist.
6. ... Year ... Page ... No. ... Dist.
7. ... Year ... Page ... No. ... Dist.
8. ... Year ... Page ... No. ... Dist.
9. ... Year ... Page ... No. ... Dist.
10. ... Year ... Page ... No. ... Dist.
11. ... Year ... Page ... No. ... Dist.
12. ... Year ... Page ... No. ... Dist.

Application made by ... Stenographer ...

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RTD.

In the matter of the application of John Rowe et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

John Rowe	Cherokee Freedmen D 922
Joseph Landrum	Cherokee Freedmen D 1006

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by, John Rowe for himself and by Joseph Landrum for himself.

The evidence shows that the applicants, John Rowe and Joseph Landrum, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they were taken to the State of Kansas; that prior to February 11, 1867, they returned to and established their residences in the Cherokee Nation.

The evidence further shows that since his return to the Cherokee Nation said John Rowe has resided continuously therein; and that, with the exception of about seven years spent in the Creek Nation, said Joseph Landrum has, since his return to the Cherokee Nation, resided continuously in said Nation. It does not appear that either of said applicants ever removed from the Cherokee Nation with his effects and became a citizen of another government.

It is, therefore, the opinion of this Commission that John Rowe and Joseph Landrum should be enrolled as Cherokee freedmen,

in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

W E Stevens

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 5 19[illegible]

DEPARTMENT OF THE INTERIOR,

Commission to the Five Civilized Tribes,

Muskogee I. T. April 1st 1904.

In the matter of the application of John Rowe et al for enrollment as Cherokee Freedmen, consolidating the applications of:

John Rowe, Cherokee Freedman D 922
Joseph Landrum, Cherokee Freedman D 1006.

Comes now the Cherokee Nation and protests against the Decision of the Commission rendered in the above entitled cases on March 5th 1904 and requests that same be forwarded to the Honorable Secretary of the Interior for review.

The records show that neither of these applicants are upon any roll ~~xx~~ made of the citizens of the Cherokee Nation and the Cherokee Nation contends that they come under the act of May 31, 1900 which provides that the Commission:

"Shall not receive, consider or make any record of any application of ANY PERSON for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such."

Under this provision the Cherokee Nation contends that the Commission has no jurisdiction whatever over this case that whenever the fact appears that applicants were old enought to have been upon a prior roll and been born prior to the war and that their names do not appear upon any roll whatever then the Commission shoul d refuse to proceed further and decline to hear any more evidence and refuse to admit any witness to testify in behalf of such applicants. Congress evidently thought that if any person had a just claim to citizenship in the Cherokee Nation that he would succeed in getting his name upon some roll between 1880 and 1896, particularly when a number of those rolls were pay rolls ~~x~~ and it was to the interest of the applicantsto have ~~his~~ their names listed upon said rolls and in this case it can not be said that the Cherokee Nation was prejudiced against these applicants because Mr. Wallace made the roll of 1889 and the United States Commission made the Kern & Clifton roll in 1896 and their names appear upon neither of these nor do they appear upon any of the numerous Cherokee rolls made prior to 1896 and on May 31 1900 Congress evidently intended to limit the work of the Commission to the enrollment of those persons who had theretofore been recognized as citizens of the Cherokee nation to the extent of having been enrolled upon some roll thereof.

Respectfully,

W W Hastings

Attorney for the Cherokee Nation.

FILED
MAR 21 1902

CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Rowe Catoosa, I. T.
Cherokee F-D-922
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D922; D1004.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of John Rowe, et al., granting the applications for the enrollment of John Rowe and Joseph Landrum as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-24

Commissioner in Charge.

Cherokee Freedmen
D-922.

Muskogee, Indian Territory, April 14, 1904.

John Rowe,

Catoosa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, granting, among others, your said application.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-37.

Cherokee Freedmen
D-1006 & D-928.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joseph Landrum et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Joseph Landrum and John Rowe as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a co y of which protest is enclosed.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-38.

Refer in reply to the following: COPY.

Land 28954-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated April 14, 1904, transmitting the record of the application for enrollment as a Cherokee Freedman of John Rowe and Joseph Landrum.

March 5, 1904, the Commission found that the applicants were entitled to enrollment as Cherokee Freedmen.

The Cherokee Nation, by its attorney protests against the decision of the Commission.

The evidence shows that the applicants were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the rebellion they were taken out of the Cherokee Nation; that they returned to the Nation prior to February 11, 1867, and that they are still residing therein.

A careful consideration has been given to the protest of the Cherokee Nation and in view of the same and of the record the approval of the Commission's decision favorable to the applicants is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.
W.

WCF

J.P.

D.C.20778-1904.

I.T.D. 4672-1904.

LRS.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 16, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated Cherokee freedman case of Joseph Landrum, et al. (FD-922, 1006), including your decision of March 5, 1904, granting the application for the enrollment of Joseph Landrum and John Rowe as Cherokee freedmen.

It appears that the applicants were the slaves of Cherokee citizens at the commencement of the war of the rebellion, that during said rebellion they were taken to the state of Kansas; that they returned to and established a residence in the Cherokee Nation prior to February 11, 1867; that John Rowe has continued to reside in said nation up to and including the date of his application herein; that Joseph Landrum has, since his return to the Cherokee Nation, continued to reside therein, with the exception of about seven years spent in the Creek Nation.

The attorney for the Cherokee Nation protests against your decision, claiming that inasmuch as the applicants' names do not appear upon any of the rolls of the Cherokee Nation,

they come under the act of May 31, 1900 (31 Stats., 221), which provides that the Commission

"Shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such."

Reporting June 7, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be approved.

Following the views expressed by the Assistant Attorney General in his opinion approved March 22, 1904, I.T.D.2528-1904), relating to the rights of certain classes of Cherokee freedmen to enrollment, the Department is of the opinion that yourdecision is correct, and the same is hereby affirmed.

A Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedmen
D-922-1006.

Muskogee, Indian Territory, June 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications of John Rowe and Joseph Lamirum, for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman

D. 928.

Muskogee, Indian Territory, June 28, 1904.

John Rowe,

Catoosa, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 8, 1904, granting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

Cher Fr 1356

see Cher Fr 1355

Cher Fr 1356

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the application of Joe Landrum for enrollment as a Cherokee Freedman; said Landrum being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Joe Landrum.
Q Joseph Landrum? A Yes, sir.
Q How old are you? A I am about 49 or 50.
Q What is your post office address? A My post office is Catoosa where it will be.
Q What district do you live in? A I live in Coowescoowee; after I moved here, I lived in the Ok Creek Nation now.
Q You never lived in the Cherokee Nation? A Yes, sir.
Q You now apply to be enrolled as a Cherokee Freedman? A Yes, sir
Q Who do you want to enroll besides yourself? A Just me.
Q Are you married? A yes, sir.
Q What is your wife's name? A Rae hel.
Q Is she a Cherokee citizen? A No, sir.
Q What is she? A Chickasaw.
Q Have you any children? A Yes, sir.
Q How many? A Ebou eight or nine.
Q Are they Chickasaws? A Yes, sir.
Q Are they enrolled in the Chickasaw Nation? A Yes, sir/
Q Is your wife living in the Chickasaw Nation? A No, sir, they are living in the Creek Natin.
Q How long have they lived in the Creek Nation? A About six or seven years.
Q What rights have you got in the Creek Nation, you and your wife? A We haven't got any.
Q Why are you living there? A I am living with my father; he being an old man and he married a Creek citizen and she died and he sent for me to come and stay with him.
Q How long have you been there? A Been there about seven or eight years, may be a little lonber.
Q With your family? A Yes, sir.
Q Was your wife and children been enrollee in the Chickasaw Natio,
A Yes, sir.
Q And you applied to be enrolled in the Chickasaw Nation?
A No, sir, I am Cherokee.
Q Did your wife and family ever apply to be enrolled in the Creek Nation? A No, sir
Q Now, you don't want to enroll anybody but yourself? A Just myself.
Q What is your father's name? A John Howe.
Q Is he living? A No, sir.
Q What is your mother's name? A Emily Vann she went by.
Q Is she living? A No, sir, she is dead.
Q Was your father a citizen? A Yes, sir.
Q Your mother? A yes, sir.
Q Both Cherokee citizen? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll, ought to be Vann.
Q Have you always went by the name of Landrum? A I went by the name of Vann when I was put on the Wallace roll, 39 years old.
Q Did you ever have an "E" in your name? A Some times.
Q What does "E" stand for? A I don't know, I can't read.
Q Do you sign your name Joseph E. or just Joseph? A Joseph is all I sign; I might be on the '80 roll with Ervin Vann.
Q Where were you born? A In saline District.
Q Well, now, how long have you lived in the Cherokee Nation?
A I have lived in the Chero kee Nation until up to the war.
Q Well, then where have you lived since the war? A I have lived in the Cherokee nation some and in different places.
Q well, just tell us now the places you have lived?

A I lived in the Creek Nation some and backwards and forwards.
Q Kansas some? A No, sir.
Q Arkansas some, Oklahoma some? A No, I ain't been in Arkansas any; I went to Kansas in the time of the war.
Q Were you brought back to the Cherokee Nation with your brother John? A Yes, sir, mother and brother all come back together.
Q Did you draw any money on the Wallace roll? A No, sir.
Q Did you ever draw any money on any of the rolls?
A No, sir.
Q Now, you say you come back here when your brother John did?
A Yes, sir.
Q How long did you stay in the Cherokee Nation then?
A I stayed in the Cherokee Nation a long time.
Q Well how long did you call a long while? A Well I call ten or 12 years a long while.
Q And then where did you go? A I just went up and down the road from the Cherokee Nation to Creek Nation and back.
Q Where did you marry? A Married in the Chickasaw Nation.
Q How long ago? A Oh, it has been about 18 or 19 years.
Q How many children have you got? A Nine.
Q You have never lived in the Cherokee Nation since that time, have you? A Yes, sir.
Q Where A At Fort Gibson.
Q With your family and wife? A No, sir, my family was never there.
Q Did you and them, your wife and family ever live in a house at Fort Gibson? A No, sir, I have never kept house at Fort Gibson.
Q Since you married with the straight right fair thing, get down to the brass tacks? A Yes, sir.
Q You have never lived in the Cherokee Nation since?
A Yes, sir.
Q Well, have you ever lived with your wife and family in the Cherokee Nation, now? A No, sir.
Q You have always lived with your wife and family have you; you have never separated from her? A No, sir, but I was working a good while.
Q You have no divorce? A No, sir.
Q When you went home you went home to your wife and children?
A Yes, sir.

BY MR. DAVENPORT, Cherokee Representative:

Q Well, now, did you say you and your brother John come back here together? A Yes, sir.
Q Where did you go during the war? A Went to Fort Gibson.
Q Didn't go out of the Territory at all during the war?
A Yes, sir
Q Where did you go? A Went to Kansas.
Q Didn't go to Texas? A No, sir, that is my father; John and I went to Kansas.

BY COM'R NEEDLES:

Q What is your brother's name, John Landrum? A Yes, sir:
Q How did you get the name of Landrum? A We got the name of Landrum by a Cherokee marrying Landrum; she married High Landrum.
Q Cherokee too? A She was granddaughter of Ann Vann and she married a Landrum.
Q And you boys got the name of Landrum? A Yes, sir.
Q You want to go by the name of Landrum? A Yes, sir.

COM'R NEEDLES: Joseph Landrum applies for the enrollment of himself. He cannot be identified upon any of the rolls of the Cherokee Nation. He avers that he is a child of John Rowe and Emily Vann, that they were slaves. He avers that he is a brother of John Rowe who was listed for enrollment on doubtful card #922, and the testimony in connection with his brother's case will develop his, consequently the testimony in the application of John Rowe will be made part of the record in the case of the applicant and

a copy thereof filed herewith. Applicant avers that he was born and raised in the Cherokee Nation, and that he was married in the Chickasaw Nation and has since and for the last 18 or 19 years has not been an actual resident of the Cherokee Nation. He will now be listed for enrollment as a Cherokee Freedmen upon a doubtful card. He will be notified by mail of the decision of the Commission.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 15th day of July, 1901.

Commissioner.

(B) 1D1206

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

Acting Chairman

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 1, 1901

Post Office Gatesville Tex

District

1. Name Joseph Landrum Age 39

Owner's name Citizenship

Year Page No. District

Parents:

Father John Lowe dead Citizenship Cherokee

Mother Emily Lowe dead Citizenship " "

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Stenographer

Certified

FILED
MAY 11 1900
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1900

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSCOGEE, MAY 11th, 1900.

-----o-----

In the matter of the application for enrollment as a Cherokee freedman by
Joseph Vann.

Josephn Vann, being duly sworn, depeaed as follows:

Mr. Bixby: What is your name? A - Joseph Vann.

Q - How old are you?

A - About 48; something close to that.

Q - What is your post office address? A - Choska.

Q - Where do you live?

A - I live in the Creek Nation near Choska.

Q - How long have you lived in the Creek Nation?

A - Off and on about seven or eight years.

Q - How long have you been in the Indian Territory?

A - All my life.

Q - Haven't you lived outside the Territory during the last three years? A - No, sir.

Q - To which district do you belong?

A - I don't know to which district I belong; I was bred and born in Saline District.

Q - Do you know whether your name is on the 1880 roll?

A - No, sir.

Q - From which district were you enrolled in 1880?

Q - I don't know, sir.

Q - Were you a slave? A - yes, sir.

Q - Who was your ~~father~~ owner?

A - Old Abe Vann; his grand-daughter.

Q - What was your father's name? A - John Rowe.

Q -)Is he living or dead? A - He is dead.

Q - Was he a Cherokee Freedman? A - Yes, sir.

Q - To which district did he belong?

A - He belonged in the same district; in Saline district.

Q - Who was your father's owner? A - Dave Rowe.

Q - What was your mother's name? A - Emily.

A - Is she living or dead? A - Dead.

Q - Was she a Cherokee Freedman? A - Yes, sir.

Q - Who was your mother's owner?

A - The grand-daughter of old Abe Vann.

Q - Are you married? A - Yes, sir.

Q - What is your wife's name? A - Rachel.

Q - Is she a Cherokee? A - No, sir.

Q - Does she belong to any of the Five Tribes?

A - She is a Chickasaw.

Q - Have you any children by any other woman than your present wife? A - No, sir.

Q - Were you ever known as Joseph E. Vann? A - Yes, sir.

Q - What does the E stand for?

A - I don't know, sir, I can't read.

Q - What is your other name besides Vann?

A - Joseph E. Vann; that is the way the Commission put it; that is all I can tell; I can't read and write.

Q - Did you draw the $14?

A - I drew the $15.50. I didn't come up at the payment, I got it in 1898.

Q - Did you ever have any children that were on the Cherokee rolls? A - No, I guess not.

Q - Who is John Vann ?

A - That may be some more; there is a whole lot of the Vanns.

Q - Did you know any John Vann; anybody in your family named John Vann?

A - None of my children named John Vann.

Q - Did you ever have a farm in the Illinois district?

A - No, sir.

Q - Who was Sam Vann, do you know him?

A - Yes, sir, a cousin of mine.

Q - Who is Katie? A - Sam Vann's wife.

Q - Sam Vann got a boy named Tom, about 40 years old now?

A - No, sir, not that I know of.

Q - Do you know Amanda Vann?

A - Yes, sir, she is Sam Vann's daughter.

Q - Who is Willie? A - Sam Vann's son.

Q - Rosey? A - Sam Vann's daughter again.

Q - Sam then lived in the Commissioners district, a farmer?

A - yes, sir.

Q - You never was a famer in Commissioners? A - No, sir.

Q - Didn't work up there on a farm? A - No, sir.

Q - Ever call you anything but Vann?

A - They called me Rowe by my father, too, but my uncle put me on the roll.

---o---

Your enrollment is refused for the reason that your name is not found on the authenticated roll of 1880.

---o---

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, that I am the official stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Isaac C. Jones

FILED
MAY 1 1908
COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

~~Ft. Gibson~~

7.D.1006

FILED

MAY 11 1900

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 11 1900

ACTING CHAIRMAN

Statement of Applicant Taken Under Oath.

(26

CHEROKEE FREEDMEN.

Date 9 11 1900.

Name Joseph Lucas age about 15

District Saline (Cherokee Nation) Year Page No.

Mother's citizenship Cherokee freedman Emily Lucas

Married? Yes

License Certificate

Wife's name Lucinda Lucas

District Year Page No.

Mother's citizenship

Names of Children:

Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	
Dist.	Year	Page	No.	Age	

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 11 1901

To be filed with case of Joseph Landrum, C.N. D.#1006.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUNE 20th, 1901, MUSKOGEE, I.T.

In the matter of the application of John Rowe for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Rowe.
Q How old are you? A I don't know exactly.
Q Well about how old? A About 48 years old.
Q What is your post office address? A Catoosa.
Q In what district do you live? A Coowescoowee district.
Q Who else do you desire to have enrolled besides yourself?
A Nobody, just myself.
Q Is your name on any of the rolls of the Cherokee Nation?
A Not on any of the rolls.

The rolls of the Cherokee Nation in the possession of the Commission examined and the name of the applicant not found.

Q What is your father's name? A John Rowe.
Q Is he living? A No, sir.
Q What is your mother's name? A Emily.
Q Is she living? A No, sir.
Q Where were you born? A On Spring Creek.
Q In the Cherokee Nation A Yes, sir.
Q Where have you lived all your life? A In the Cherokee Nation.
Q Were you a born slave? A Yes, sir.
Q Who did you belong to ? A Mrs. Cherokee Landrum.
Q Was she a Cherokee citizen? A Yes, sir.
Q An Indian? A Yes, sir:
Q Did you go out of the Cherokee Nation during the war? A Yes,sir
Q Are you married? A No, sir.
Q Never have been? A No, sir.
Q Where were you taken to during the war? A To Kansas.
Q When did you return? A In '65.
Q Have you been here ever since? A Yes, sir.
Q Why is your name not on the roll of 1880? A My mother, she and her brother, Irving Vann, they made claim to have their namesput on; he went to Tahlequah in '66, he was to tend to her business for her and her children, she wasn't able to tend to it for herself and he agreed to tend to it for her and he never done it.
Q Did you apply to the Kern-Clifton Commission? A Yes, sir.
Q You didn't get any money from them? A No, sir.
Q Where have you lived since '65? A Living in the Cherokee Nation
Q Neverlived out of it? A No, sir, only during the war and when I took cattle to market.
Q Where did you return from in Kansas? A My mother was there in Fort Scott
Q Where did you come to? A Fort Gibson.
Q Who with? A My uncel, and with all the crowd of people.
Q Give me the names of some of them? A Irving Vann.
Q Is he living? A No, sir.
Q Anyone else? A Lots of the, I wasn't old enough to remember them.
Q How old wereyou? A Just could remember.
Q You remember that you werein Fort Gibson in '65? A Yes, sir, I was in Gibson when the 1880 roll was made.

W. W. HASTINGS, Cherokee representative:
Q Where did your mother apply before the Kern Clifton Commission five years ago? A Over here at Chelsea I believe.
Q Under what name? A Name of Emily Vann I believe.
Q Her name was Emily Vann before she married your father was it?
A Yes, sir.

Q What was the name of her owner? A Vann.
Q How long has she been dead? A Two years this last April.
Q How long has your father been dead? A A year this July.
Q Knw is Where did your mother die? A Near Catoosa on Bird Creek.
Q What name did she go by when she died? A Vann.
Q What else? A Rowe is my father's name, she went by that co.
Q Where were you born? A On Spring Cree/
Q Who owned you before the war? A Mrs. Cherokee Landrum.
Q What was her husband's name? A High Landrum.
Q Did they have any children before the war? A I think they did.
Q Do you remember them? A Yes, sir.
What were their names? A I forget, Joe I think was one.
Q What kind of a house did they live in? A I has forgot the house, that is a good while for me to remember, it was there on Spring creek.
Q You don't know what kind of a house it was A I don't know if it was a log house, I think it was.
Q You are not certain? A No, sir.
Q Who did you go out of the country with? A With the soldiers.
Q Where did you go to? A Fort Scott, I believe.
Q Did you r mother marry up there? A No sir.
Q Your father wasn't up there with you? A No, sir, he went the other way.
Q You claim through your mother? A Yes, sir.
Q Did your mother ever have another husband up in Kansas?
A She had one man, he died.
Q What was his name? A Ned Bruner.
Q Was he a state man? A No, sir.
Q Where did he die? A Got killed between here and Coffeyville.
Q Has she had a man since then? A No, sir, she was always a w dow after that.
Q Have you any sisters or brothers older than you? A All dead.
Q What was the next younger than you? A None born since the war.
Q Did you come back with your mother? A Yes, sir.
Q Where to? A Fort Gibson.
Q Direct from Fort Scott? A Yes, sir.
Q Do you remember what year that was? A '65 I was told, that is what they all sa d.
Q Do you know? A You know I don't know exactly.
Q Now with whom did you first live in Fort Gibson? A Irving Vann.
Q He he dead? A Yes, sir.
Q Is his wife dead? A No, sir.
Q What is her name? A I forgot--aunt Harriett Vann.
Q You lived with them? A Yes, sir.
Q Did he have her for a wife when you lived with him?
A No, sir.
Q Did he have any children then? A Yes, sir, I believe Fannie Vann was there.
Q Is she living? A Yes, sir.
Q What is her name now? A I don't think she is married; it was Vann the last time I seed her.
Q How long did you live with Irving Vann? A Lived there 8 or 10 years.
Q All the time? A Yes, sir.
Q What part of the town did you live in? A Over west of town right where they crossed the river, I think the channel of the river is there now.
Q Did your mother live with him? A Yes, sir.
Q How long did she live with him. A About the same length of time
Q Did she ever go back to Kansas? A No, sir.

Q Where did you go after you left there? A Braggs, where I had some half sisters.
Q Did they live in town? A No, sir, in the country back of the town.
Q What are their names? A Louvina and Sylvia Stopp.
Q How long did you live with them? A Off and on all the time.
Q I don't want any off and on, I want to knowhow long you lived with them? A As much as two years.
Q Where did you go then? A I have livedbacwards and forwards herding cattle for Blackstone and Se vers.
Q Have you ever been back to Kansas? A I suppose I have with cattle, taking cattle to market.
Q Did you ever work there? A No, sir, only unloading the cattle.
Q Just there and back? A Yes, sir
Q Where have you lived for the last 10, 15 or 20 years?
From Wagoner to Bird creek.
Q Who with? A With myself.
Q You have never married? A No, sir.
Q Live in a house by yourself all that time? A I ad my mother.
Q She died in the Cherokee Nation did she? A Yes, sir.
Q You didn't draw any Cherokee strip money? A No, sir.
Q Any Wallace mo ey? A No, sir.
Q You make a statement before the Kern-Clifton Commission?
A My mother applied.
Q What witnes es did she have? A I dismemember what witnesses she did have.
Q You think she could go only by two names, Vann or Rowe?
A Yes, sir, I guess that is all.
Q You never heard her called by a ny other name. A No sir.

L. D. DANIELS, called and sworn as a witness for the applicant:

Q What is your name? A L. D. Daniels, age 56, post office Claremore.
Q Do you know the applicant here? A Yes, si r.
Q John Rowe? A Yes, sir.
Q How long have you known him? A I have known him ever since the Rebellion, after the war.
Q Do you know if he was a slave? A No, sir, I only seed him first when his mother brojught hik to Gibson to his uncle Irving Vann's.
Q When was that? A Spring of '66.
Q Have you known him since that time? A I have seen him several times since.
Q Do you know his mother? A She s named Emily Vann.
Q Was she a slave? A So said to be, I don't know it of my personal knowledge.
Q You saw her in Fort Gibson in the spring of '66 A Yes, sir, with her two boys.
Q What was the other boy's name? A Joe.
Q Have you seen him continuoysly since? A The next time I seed him Ix was at Tahlequah in '89 when they was taking the census in the Wallace court and I seed him in the Kern Clifton Court/
Q Was you a witness for his mother before the Kern)Clifton Court?
A I never seed his mother there.
Q She applied there A He was there but I don't know if he was an applicant or not.
Q You wasn't a witness for him? A No, sir, I know I wasn't/

WM. B. BELL, Cherokee Attorney:

Q Do you know this man to be the same boy that you saw in '66 at Irving Vanns? A Yes, sir, Irving Vann kept him a good while there in Gibson.

BY HASTINGS: Which is the elder of these two boys? A Joe.
Q How old was this applicant then? A A small boy.
Q 4 or 5 years old? A Yes, sir, about that.

Q And you remember him? A Yes, sir, if I didn't I wouldn't say so.
Q Who was Irving vann living with then? A Cinda Beck.
Q Did he have her for a wife? A She was living with him.
Q That was when this applicant was there? A Yes, sir.
Q How long did you see him around there? A I don't know, I don't t hink I saw him there after '67.
Q What became of him after that? A I heard he was with his father in the Creek Nation.
Q What was his father's name? A John Rowe.
Q What became of this boy's mother? A I don't know where she is, I think she is dead though.
Q Do you know where she went from there? A She went back to Kansas and left her boys in Gibson with Irving Vann.
Q How long did she stay there before she went to Kansas? A 3 or 4 months.
Q When did you next see her? A I saw her up here, never saw her in Gibson any more, it was after I moved up in this district that I seed her.

KATE VANN, callee and sworn as a witness for the applicant:
Q What is your name? A Katie Vann.
Q What is your age? A 56.
Q What is your post office address? A Lanapah.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Freedman? A Yes, sir.
Q Do you know the applicant, John Rowe? A Yes, sir.
Q How long have you known him? A I have known him ever since he was born.
Q Do you know his mother? A Yes, sir.
Q What was her name A Emily.
Q What? A She sprung from the Vanns her mistredd married a Landrum.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Mrs. Landrum.
Q Was she a Cherokee citizen? A Yes, sir.
Q Was John Rowe born a slave? A Yes, sir.
Q Was his mother and he out of the Cherokee Nation during the war? A Yes, sir.
Q Where did they go? A To Kansas.
Q What relation is his mother to you? A No kin at all.
Q When was the first time that you saw John and hit mother in the Cherokee Nation after the war? A I saw Joh, I didn't see his mother until about the Wallace court, before the Wallace court.
Q When did you see John? A 28 years ago in Saline district.
Q What that the first time you saw him since the war? A Yes,sir.
Q Where has he lived since? A In the Creek Nation with his father:
Q Do you know his father? A Yes, sir.
Q What is his name? A John Rowe.
Q Was he a Cherokee slave? A Yes, sir.
Q Who did he belong to? A Dave Rowe.
Q Was Dave Rowe a Cherokee citizen? A Yes, sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir, before the war.
Q When did he return? A In '66 from t he south.
Q He went south then and his wife went north? A Yes, sir
Q And the first time you ever saw this applicant since the war was 28 years ago? A Yes, sir.
Q Do you know where he was in '66? A No, sir, I heard of him being at Fort Gibson, I don't know though.

BY HASTINGS: You didn't witness for this applicant before the Kern-Clifton Commission did you? A No, sir.
Q Or for his mother? A No, sir.
Q Did she apply? A Yes, sir.
Q Under what name? A Rowe or Landrum.

NICK LANDRUM, called and sworn as a witness for the applicant:
Q What is your name? A Nick Landrum.
Q How old are you? A I don't know exactly.
Q Well about how old? A I can't get at it, Mr. Bell there he knows.
Q I am not asking Mr. Bell--are you about 50? A I says I am 51.
Q You are 51 then? A Yes, sir.
Q What is your post office address? A Coffeyville.
Q Do you live in the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, John Rowe? A Yes, sir.
Q How long have you known him? A The first time I seed him was the year before the war.
Q Did you know his father? A Yes, sir.
Q Did you know his mother? A I knowed Emily Landrum.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Mrs. Cherokee Landrum.
Q [illegible]
Q [illegible]
Q Was you a slave yourself? A Yes, sir.
Q Who did you belong to? A Mrs. Cherokee Landrum.
Q Was John a slave? A Yes, sir, and we was both boys there together.
Q Where did he go during the war? A I suppose he went to Kansas.
Q How long after the war wasit that you first saw him again?
A I don't know.
Q Do you know where he was in '66? A No, sir.

BY COM'R NEEDLES: John Rowe applies for himself; he is not found on any of the rolls of the Cherokee Nation in the possession of the Commission; he avers that he is the son of one Emily Vann and that she was a slave of one Mrs. Cherokee Landrum, a Cherokee citizen, and that he was himself a born slave. He avers that he was taken out of the Cherokee Nation during the war, and returned in 1866 and that he has resided in the Cherokee Nation ever since that time. He is not married and has no children. He will be listed for enrollment as a Cherokee freedman on a doubtful card, awaiting the further consideration of the Commission, and he will be notified of the final decision of the Commission, when the same is arrived at.

-----oo-----

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 12th of July, 1901.
(Signed) T. B. Needles,
Commissioner.

---oooOOOooo---

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the five civilized tribes he copied the foregoing and that the foregoing is a true and complete copy of the original transcript in the above case.

J. O. Rosson

Subscribed and sworn to before me this 9th of September, 1901.

~~Commissioner.~~
M D Green
MP

D 3B1600

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
OCT 2 1901

ACTING CHAIRMAN

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tuita I T Oct 2 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Joseph Saunders for enrollment as Freedmen of the Cherokee Nation.

Louis G. Brown
in put in appearance

No. F. 1006

FD 1006

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
1902

F. Claims.

3 035.

104576

Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

Washington D. C. June 18 1898.

Joseph Hamm,
Chaska,
Indemnity

Sir

The claim for $15.50 in favor of Counsell

transmitted with your letter of has been examined and allowed by this Office for the sum of $15.50 and this day forwarded to the Auditor of the Treasury for the Interior Department for settlement, who will advise you of final action thereon, and to whom any inquiries concerning the same should be addressed payment thereof to be made to Counsell.

Very respectfully.

A. C. Tonner
Asst. Commissioner

AGENCY	AMOUNT	AGENCY	AMOUNT

F 1506

SECRETARY OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 1902

INDIAN DEPARTMENT.
Form 666.—Rd 2 28 98 10,000.

All Official Letters to this Office must be addressed to the "Auditor for the Interior Department," and in replying to Letters from this Office the initials on the upper left-hand corner should be referred to.

"I A I" Room No. 161

Settlement No. 17,141.

Treasury Department.

OFFICE OF THE
AUDITOR FOR THE INTERIOR DEPARTMENT.

Washington, D. C., JUN 23 1898, 189

Joseph C. Lane,
Choctaw,
Indian Territory.

Sir:

Your claim for $ 15.50 against the Indian Department

was allowed by this office , 189 . When a warrant

issues for the above-named amount, the Treasurer will mail it to your address.

Respectfully yours,

W. H. Youngblood.

Auditor.

Ex C

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

R.T.O.

In the matter of the application of John Rowe et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

John Rowe	Cherokee Freedmen D 922
Joseph Landrum	Cherokee Freedmen D 1006

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by, John Rowe for himself and by Joseph Landrum for himself.

The evidence shows that the applicants, John Rowe and Joseph Landrum, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they were taken to the State of Kansas; that prior to February 11, 1867, they returned to and established their residences in the Cherokee Nation.

The evidence further shows that since his return to the Cherokee Nation said John Rowe has resided continuously therein; and that, with the exception of about seven years spent in the Creek Nation, said Joseph Landrum has, since his return to the Cherokee Nation, resided continuously in said Nation. It does not appear that either of said applicants ever removed from the Cherokee Nation with his effects and became a citizen of another government.

It is, therefore, the opinion of this Commission that John Rowe and Joseph Landrum should be enrolled as Cherokee freedmen,

in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 5 19

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Lankrum,
Catoosa, I. T.
Cherokee-.-D-1006.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

F.B. 26

F 19,006

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 13 1900

ACTING CHAIRMAN.

COMMISSIONERS.
KENDY L. DAVIS,
TAMS BIXBY,
ARCHIBALD S. MCKENNON,
THOMAS B. NEBLETT.
ALLISON L. AYLESWORTH, Secretary

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., June 4, 1900.

Joseph Vann,

Choska, Indian Territory.

Dear Sir:-

On Friday, May 11th, you made application to this Commission for enrollment as a Cherokee Freedman and were refused for the reason that neither your name nor that of your ancestors are found on the authenticated roll of freedmen made in the year 1880. Since that date the instructions of the Department with reference to the enrollment of Cherokee Freedmen have been modified, making it the duty of the Commission now to hear the testimony both for and against the identity of all freedmen, free colored persons and their descendants, and those who are found to have complied with the requirements of the treaty of 1866, as relates to persons of African descent, will now be listed for enrollment. You will therefore be given a further hearing at any one of the points named on the enclosed circular, or at the office of the Commission at Muskogee on any day between the 20th day of June and the 1st day of July, 1900.

Yours truly,

Acting Chairman.

Chero. L.

Cherokee Freedmen
D922; D1004.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of John Rowe, et al., granting the applications for the enrollment of John Rowe and Joseph Landrum as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-24

Commissioner in Charge.

1089

COMMISSIONERS
TAMS BIXBY.
THOMAS B NEEDLES.
C. R. BRECKINRIDGE.
W. E STANLEY.
ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-1006.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 14, 1904.

Joseph Landrum,

Catoosa, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman. Your agent, Louis T. Brown, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the principal applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-35.

Cherokee Freedmen
D-1006.

Muskogee, Indian Territory, April 14, 1904.

Louis T. Brown,

Agent for Joseph Landrum,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, the application of Joseph Landrum for enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Enc. D-36.

Cherokee Freedmen
D-1004 & D-922.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Joseph Landrum et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Joseph Landrum and John Rowe as Cherokee freedmen.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-38.

Refer in reply to the following: COPY.

Land 28984-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 7, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated April 14, 1904. transmitting the record of the application for enrollment as a Cherokee Freedman of John Rowe and Joseph Landrum.

March 5, 1904, the Commission found that the applicants were entitled to enrollment as Cherokee Freedmen.

The Cherokee Nation, by its attorney protests against the decision of the Commission.

The evidence shows that the applicants were the slaves of Cherokee citizens at the commencement of the war of the rebellion; that during the rebellion they were taken out of the Cherokee Nation; that they returned to the Nation prior to February 11, 1867, and that they are still residing therein.

A careful consideration has been given to the protest of the Cherokee Nation and in view of the same and of the record the approval of the Commission's decision favorable to the applicants is recommended.

Very respectfully,

A.C.Tonner

Acting Commissioner.

M.M.M.
W.

WCP

J.P.

D.C.20778-1904. FHE

I.T.D. 4672-1904.

LRS. DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 16, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 14, 1904, you transmitted the record in the consolidated Cherokee freedman case of Joseph Landrum, et al. (FD-922, 1006), including your decision of March 5, 1904, granting the application for the enrollment of Joseph Landrum and John Rowe as Cherokee freedmen.

It appears that the applicants were the slaves of Cherokee citizens at the commencement of the war of the rebellion, that during said rebellion they were taken to the state of Kansas; that they returned to and established a residence in the Cherokee Nation prior to February 11, 1867; that John Rowe has continued to reside in said nation up to and including the date of his application herein; that Joseph Landrum has, since his return to the Cherokee Nation, continued to reside therein, with the exception of about seven years spent in the Creek Nation.

The attorney for the Cherokee Nation protests against your decision, claiming that inasmuch as the applicants' names do not appear upon any of the rolls of the Cherokee Nation,

they come under the act of May 31, 1900 (31 Stats., 221), which provides that the Commission

"Shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such."

Reporting June 7, 1904, the Acting Commissioner of Indian Affairs, recommends that your decision be approved.

Following the views expressed by the Assistant Attorney General in his opinion approved March 22, 1904, I.T.D.2528-1904), relative to the rights of certain classes of Cherokee freedmen to enrollment, the Department is of the opinion that yourdecision is correct, and the same is hereby affirmed.

A Copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) E.A. Hitchcock,

Secretary.

1 inclosure.

Cherokee Freedman

D. 1006.

Muskogee, Indian Territory, June 25, 1904.

Louis T. Brown,

Agent for Joseph Landrum,

Vinita, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting, among others, the application of Joseph Landrum for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-922-1006.

Muskogee, Indian Territory, June 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications of John Rowe and Joseph Landrum, for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Commissioner in Charge.

109

DEPARTMENT OF THE INTERIOR

Cherokee Freedman

D. 1006.

Muskogee, Indian Territory, June 25, 1904.

Joseph Landrum,

Catoosa, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior on June 16, 1904.

Respectfully,

Chairman.

Department of the
Commission to the Five Civ
MUSKOGEE, IND

OFFICIAL BUSINES

Penalty for private use. $

C A W

1903



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

RETURN TO WRITER

Joseph Woodard,

Sawokla



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

XX 86
86

Cher Fr 1337

Cher Fr 1357

DEPARTMENT OF THE INT
COMMISSION TO THE FIVE CIVILIZED TRIBES
RECEIVED
APR 22 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Henry Taylor for the enrollment of himself as a Cherokee Freedman.

Henry Taylor, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry Taylor.
Q How old are you? A I don't know, as near as I can tell I guess I am about 37.
Q What is your post office? A Tahlequah.
Q Do you live in Tahlequah district? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Whom do you wish to be enrolled besides yourself? A Just myself.
Q How long have you lived in the Cherokee Nation? A Been in the Cherokee Nation all my days.
Q Give me the name of your father? A Will Taylor.
Q Is your father dead? A Yes, sir.
Q How long has he been dead? A He has been dead I guess nine or ten years.
Q Give me the name of your mother? A My mother was named Octavia Taylor.
Q Your mother is dead, is she? A Yes, sir.
Q How long has she been dead? A She died I guess sometime during the war.
Q Are you on the rolls of the Cherokee Nation? A No, sir, I am not on it, not only but one roll that I know of.
Q What roll is that? A That is the one that the fifteen and a half was paid.
Q You think you are on the Wallace roll? A Yes, sir, I am on that, I drew the money.
Q That is the only ~~xxxxxxx~~ money you ever drew? A Yes, sir.
Q You don't know of any other money than that you drew? A No, sir, never did get any other money.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton pay-roll examined and the applicant not identified thereon.

Q Where were you born? A Tahlequah.
Q In Tahlequah district? A Yes, sir.
Q Was your mother a slave in the old days? A Yes, sir.
Q To whom did she belong? A She belonged to Dr. Evans.
Q Where did he live? A Tahlequah.
Q Give me his full name? A I don't know, I wasn't old enough, I don't recollect him.
Q Was a doctor practicing medicine in the town of Tahlequah?
A I don't know, sir, I wasn't old enough to know, I just know she belonged to them.
Q When did you say your mother died? Died sometime during the war I think.
Q Do you know where she died? A No, sir, I don't remember at all, only what they talked about it.
Q Did your father marry after your mother's death? A Yes, sir.
Q Whom did he marry? A He married a woman, I think she was a Lantrum, Bettie.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Is she living now? A Yes, sir, she is alive now.
Q How old was your father when he died? A I can't tell, I don't know how old my father was.
Q Were you the oldest child? A Yes, sir, I was the only child.

only one I know of.
Q Have you any uncles? A I have a half uncle.
Q On your father's side? A Yes, sir, his half brother.
Q What is his name? A Burrell Daniels.
Q Has your father any sisters living? A No, sir, not as I know of; no, he hasn't got any.

The 1880 authenticated roll of Cherokee Freedmen examined and the father of applicant not identified thereon.

Q Who brought you up during your childhood? A My grandmother.
Q What is her name? A Elmira Taylor; she died a long time ago; she died when I was young.
Q Who had charge of you in your childhood? A I had my own self in charge.
Q But before that who did, before you were able to work? A I was with my grandmother.
Q She died when you were very young, did she? A Yes, sir, I was a young fellow when she died.
Q She died before 1880? A Yes, sir.
Q Is there anyway that you can show where you were born and where your childhood was spent, up to the time you were say seven or eight years of age? A Well, all my days was spent right here at the river here, at the ferry.
Q That is as far back as you can remember, but this concerns a period back behind what you can remember; you were born in about 1863? A Yes, sir.
Q Well now the time affecting your rights is when you were three or four years of age, and of course you can't remember back there? A No, sir.
Q Did your father and mother go out the Cherokee Nation during the war between the north and south? A During the war my father went south.
Q Where did he go? A I don't know where they carried him, I know they took him south.
Q Do you know whether your mother went with your father or not? A No, sir, she didn't go with him, my mother and father were separated before but he left here.
Q What time during the war did your father go out, have you ever heard? A No, sir, I don't know, as well as I know he went out sometime during the war, the commencement.
Q You can't say definitely about that? A No, sir.
By W.M.Cravens, attorney for applicant: Did you belong to Mrs. Bushyhead's mother's family? A Yes, sir, I belonged to her grandmother.
Commissioner: You stated that your mother belonged to a Dr. Ewans? A Yes, sir.
Q To whom did your father belong? A Belonged to Mrs. Sallie Butler, Mrs. Bushyhead's grandmother.
Q To whom, Mrs. Bushyhead's grandmother, Mrs. Bushyhead who is the widow of Chief Bushyhead? A Yes, sir.
Q And her name was Susie Butler? A Yes, sir.
Q Did your mother ever live with the Bushyheads? A No, sir.
Q Do you know whether you lived with any of them in your childhood? A Yes, sir, me and my grandmother did.
Q Where did you live with them? A At Tahlequah.
Q Did you say your father ever lived with the Butlers? A Yes, sir, of course they were not Butlers at that time, they were Taylors then.
Q Mrs. Bushyhead's mother is a daughter of this Mrs. Susie Taylor? A Yes, sir.
Q And Mrs. Bushyhead's mother is named Butler? A Yes, sir.
Q What is her given name? A Frances Butler.
Q Did any of your people live with Mrs. Frances Butler at the close of the war, or do you know? A I can't remember.

Q Mrs. Frances Butler is living now, living at Tahlequah? A Yes, sir.
Q She would likely know something about your family? A Yes, sir, she knows all about it.
Q Now have you ever lived outside of the Cherokee Nation at all?
A No, sir.
Q Unless it was in your extreme childhood? A No, sir, the Cherokee Nation has always been my home.
Q Have you spent any time ~~afxix~~ out of the Cherokee Nation? A No, sir, not a y time at a while; I have worked out in places in the Creek Nation.
Q Have you ever worked in any of the states? A No, sir, never did, never was, only I have been subpoenaed to Fort Smith a time or two to Court; that is the only times I have ever been out of the Territory.
Q You applied to be enrolled in 1880, didn't you? A No, sir, I didn't apply myself.
Q Did you try to get your strip money back here when they were making the Kerns-Clifton roll? A Yes, sir.
Q Why didn't they put you on that roll? A I don't know, my name wasn't found on there.
Q Was it ever put on there to start with; you applied for enrollment? A Yes, sir, I applied for enrollment.
Q And did they tell you at the time they couldn't enroll you?
A No, sir, they didn't tell me at all, they took the evidence.
Q Did you apply to be put on the census roll of 1896? A On the roll the strip money was paid out on.
Q No, I am talking about the census roll? A Yes, sir, I applied.
Q Why didn't they put you on the census roll? A I don't know why.
Q Did they say anything to you about it? A No, sir.
Q You don't recall any conversation with the officers about it?
A No more further than I went to be enrolled.
Q What did they say at that time? A They questioned me and the witnesses.
Q What did they say as to their evidence? A They never said anything to me about it.
Q Did they say anything to anybody else that you know of?
A No, sir, not that I know of.
Mr. W.W.Hastings, attorney for Cherokee Nation: Henry, you have lived right around Fort Gibson here all the time, right around the ferry? A Yes, sir.
Q Ever since you have been back here? A Yes, sir, and Tahlequah together, never been anywhere else since I can recollect.
Q And your earliest recollection after the war is you were living with your grandmother whose name was Elvira Taylor? A Yes, sir.
Q And she lived where? A Right on the ferry.
Col. Cravens: Was that in the Cherokee Nation? A Yes, sir.

Commissioner Breckinridge: The applicant states that he has lived in the Cherokee Nation all his life, and that his mother died during the war, and his father some nine or ten years ago. The applicant is not identified on the roll of 1880, or the Kerns-Clifton roll, or the census roll of 1896, and his father is not identified on the roll of 1880. He is not able to present at this time any definite testimony as to where he spent the earlier years of his life, and he was evidently too young in 1865, '66 and '67 to remember his whereabouts at that time. He claims that some of the members of the Bushyhead family will be able to tell where he was during the years just referred to, and to await further evidence upon this point he will now be listed for enrollmnet as a Cherokee Freedman upon a doubtful card.

Henry Taylor - 4.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 22nd of April, 1901.

C. R. Breckinridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 20 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 20 1901

Post Office Tahlequah

District Tahlequah

1. Name Henry Taylor Age 37.

Owner's name [redacted] Citizenship Cherokee

Year ... Page ... No. ... District ...

Parents:

Father Wil[redacted] Taylor Citizenship Cher Dead

Mother Octavia Taylor Citizenship Cher Dead.

2. Name of wife ... Age ...

Owners name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. ... Year ... Page ... No. ... Dist. ...

4. ... Year ... Page ... No. ... Dist. ...

5. ... Year ... Page ... No. ... Dist. ...

6. ... Year ... Page ... No. ... Dist. ...

7. ... Year ... Page ... No. ... Dist. ...

8. ... Year ... Page ... No. ... Dist. ...

9. ... Year ... Page ... No. ... Dist. ...

10. ... Year ... Page ... No. ... Dist. ...

11. ... Year ... Page ... No. ... Dist. ...

12. ... Year ... Page ... No. ... Dist. ...

Application made by no (1) Stenographer Jones D. C.

S U P P L E M E N T A L T E S T I M O N Y .

D. #125.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL, 20th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Henry Taylor as a Cherokee Freedman.

GEORGE O. SANDERS, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A George O. Sanders.
Q How old are you? A 63.
Q What is yourpost office? A Fort Gibson.
Q In what district do you live? A Illinois.
Q In what case do you wish to give evidence; in the Henry Taylor case? A Yes, sir.
Q Is that the Henry Taylor who applied somtime ago? A I don't know.
Q I believe the question in that case is, Judge, as to when Henry Taylor came back to the Cherokee Nation after the war? (No response)

EXAMINATION BY W. M. CRAVENS, Attorney for Applicant:

Q How long have you known Henry Taylor? A I suppose from 15 to 20 years.
Q Did you know his father? A Yes, sir, I knew his father.
Q What was his name? A His name was Will Taylor.
Q Was he a slave? A Yes, sir.
Q Whose? A I think he belonged, he belonged to Aunt Susie Taylor at Tahlequah.
Q Do you know whether or not she left the Cherokee Nation during the war, or remained at Tahlequah during the war? A I don't know.
Q You were a census taker for the Cherokee Nation in what year Judge? A As well as I remember I was census taker for Illinois District in 1870 and 1886.
Q Did Henry Taylor apply to you? A I have a faint recollection, I expect it must have been in 1886; it was during the season that theyw ere talking for the distribution of $300,000.
Q You were a census taker? A Yes, sir; I had already submitted the census to the Executive Department.

By Commissioner Breckinridge:

Q You were census taker in 1886; he applied to you did he, Judge, in 1886? A That is my remembrance.
Q To get on the census roll? A Yes, sir.
Q And you had already closed the roll? A Yes, sir.
Q Did you make a statement to him? A I give him a statement of an application to him and told him to take it to the Executive Department that the rolls were still open.
Q You saw no objection at that time to enrolling him? A No, sir. I had no reason to object to his enrollment.
Q None that you can recollect now? A No.
Q On what conditions were you enrolling them them? A We were taking a census of the bone fide citizens of the Cherokee Nation for the purpose of makeing a distribution of some money.
Q You were not simply taking a census of population? A No, sir.
Q You were taking a census of what were considered citizens of the country? A Yes, sir.

Q Can you make any statement at this time showing that this man, Henry Taylor, is a bona fide citizen? A No, I can't.
Q Can you state any particular evidence on which that claim can be based? A Only that he claimed Will Taylor was his father and was born and raised in this country.
Q No more than his claim to that effect? A No, sir.
Q That is all you know at this time? A Yes, sir.

BY W. M. CRAVENS, Attorney for Applicant:

Q Was he ever recognised at that time? A I don't think I ever met him before, If I did I was not acquainted with him.

BY COMMISSIONER BRECKINRIDGE:

Q Was your paper to him in the nature of a recognition of his right to citizenship or was it a request that the authorities beyond you look into his case and enroll him if they believedit proper? A I think it was just a statement that he appearedbefore me for enrollment, and that the document I give him was for further investigation; I don't think I recognised him myself.
Q You didn't pass judgment on the case, it passed beyond your hand? A I had no authority at that time, my Commission had expired when I submitted the rolls.
Q So that about all you remember then, as I understand it, is the fact that he did apply? A Yes, sir; that is all I remember.
Q And you state that you did not pass judgment either in favor or against him; upon the contrary your Commission had expired and you had no right to pass judgment; that is it, is it? A Yes, sir.

ELIOSE BUSHYHEAD, being sworn and examined by Commissioner C. R Breckinridge, testified as follows:

Q Give me your full name? A Eliose Bushyhead.
Q How old are you? A 41.
Q What is your post office? A Tahlequah.
Q How long have you lived in the Cherokee Nation, all yourlife? A Yes, sir.
Q Mrs. Bushyhead, there is an application here for the enrollment of a man named Henry Taylor and it is claimed that his mother and people belongedto your mother's mother? A Yes, sir.
Q Do you know this man, Henry Taylor? A Yes, sir.
Q Do you know his mother? A No, sir.
Q Well, do you know whether his mother ever belonged to anyof your people? A I don't know that.
Q You don't know anything about Henry Taylor's having been a slave and set free by the war? A I knew of his father.
Q Of your own knowledge you don't know anything about them? A Not of this boy.
Q Do you understand that this Henry Taylor is a son of a manwho was a slave of some members of your family? A Yes, sir, son of Will Taylor.
Q To whom did Will Taylor belong? A My grandmother.
Q Do you remember Will Taylor? A Yes, sir.
Q And how long has he been dead? A He lived several years after I was married, four or five years; I expect it was about ten or 12 years.
Q And you know that Henry Taylor is his son? A Yes, sir;always said he was.
Q Now, you dont know Henry Taylor's mother, however? A No, sir.
Q Henry Taylor's father belonged to your grandmother? A Yes, sir.
Q That is what you have always understood? A Yes, sir.
Q And your grandmother is the mother of your mother? A Yes, sir.
Q Where was your mother during the war between the States? A In, part of the time in the Choctaw Nation and in Texas.

Q She went on out of the country as the war came down through this section? A Yes, sir.
Q And went as far down into the State of Texas? A Yes, sir, Benham.
Q You have always understood that she went down as far as Benham?
A Yes, sir; I remember it.
Q Was your mother with her grandmother? A No, sir.
Now, these slaves were with your grandmother? A Yes, sir, my mother remained here all during the war.
Q But then these slaves went south didn't they? A I don't know what became of the slaves, some of them run off North and some South.
Q You have never had any definite understanding about that?
A I think this boy's father was in the North.
Q You don't know where his mother was married? A No, sir, his mother run off and left his father when he was a little boy.
Q Do you know where she run off to? A No, sir, I expect his mother was carried south, as I have understood.
Q Have you understood that she was carried off or run off?
A She run away from this boy's father, her husband, and I don't know what became of them.
Q Do you know anything about this man, Henry Taylor, or his mother, or either of them, being back here in Fort Gibson after the war closed? A Only what she told me.
Q What has your mother ever told you about that?

W. W. Hastings, Cherokee Representative: Comes now the Representatives of the Cherokee Nation and respectfully object to the witness answering any question, the answer of which will be upon information of what her mother states from the ground that her mother is living and that such testimony will be clearly hearsay and not admissible.

Com'r Breckinridge: The witness' mother is aged, entirely blind and infirm and lives at Tahlequah and it is difficult to get her testimony, and this testimony will be received without any decision being made at this time as to its weight and competency, but as throwing general light and information upon the case; it being found impossible to determine the truth of many of these cases except under a very liberal rule, as testimony.

Q Well, now, what have you always understood from your mother about the returnt to Fort Gibson of Henry Taylor and his mother?
A She said that she was never sure that they were ever carried out of the country. The mother of this child left it in the care of old aunt Myra, she was the grandmother of this Henry, and when my mother came back she found this child here.
Q Your mother said when she came back she found this child here with old aunt Myra, who was the child's grandmother? A Yes, sir, he was lived here in the care of its grandmother.
Q Do you know just when your mother came back after the war?
A I don't know the date.
Q Do you remember any of the circumstances; did she come back immediately after the close of hostilities? A No, sir, it was in July; I remember crossing Red River.
Q Did you come back when the weather was still warm? A I don't remember enough about it.
Q You come back before winter? A I don't remember when we got back; we got back immediately after the war closed; my father died in Texas, it was before the limit was up.
Q You mean the limit of 1866? A Before the negro limit was up. She expects to testify for this boy, and I have heard her say she would come in a pinch and testify for him.

Q Your mother is totally blind? A Yes, sir.
Q How old is she? A 73.
Q Does she live at Tahlequah? A Yes, sir.

BY W:W. HASTINGS, Cherokee Representative:

Q When did you remember first seeing this boy yourself? A I was, I remember seeing his father first.
Q I am talking about the boy? A Oh, I can't tell you.
Q Well, about when? A I can't tell you that.
Q About how many years age?? A I don't know when it was; I may have seen him a dozen times and never have him called to my mind.
Q When did you remember first seeing him? A I can't tell you.

BY COMMISSIONER BRECKINRIDGE:

Q Did you see him in your childhood? A Yes, sir. I saw him several times before I was married.
Q At what age were you married? A 24.
Q Well, about what age would you take hi m to be as well as you can remember at your earliest recollection of him? A You can't tell much about a negree's age unless you happen to know him.
Q Was he a grown young man or boy? A He was about my age, or a little younger.
Q I am trying to find out his age at the time you saw him first? A I never had any special thing or occasion to call him to my mind.
Q Do you suppose he was under 21 years of age? A I suppose I saw him, to pay any attention to him, unless he happened to come on the place, or something like that, until I was grown.
Q You have no definite recollection of seeing him then when you were a girl 14 or 15 years of age, along there? A I don't remember seeing him until I was; I remember after I was married we had him employed at different times.
Q Have you any distinct recollection of seeing him before you were married? A No, sir, I haven't; I remember his father mother particularly than him.
Q You have no distinct recollection of meeting him before you were married? A I think I saw him once at the Seminary.
Q When you were going to School at the Seminary? A No, sir, I was grown; I was teaching.
Q Was that since the death of your husband? A No, sir; that was before I was married.
Q Well, what age were you then, were you 21? A No, sir, I was not 21.
Q That was before you were 21? A Yes, sir; it was; yes, I was about 20 or 21.
Q And you think you remember him? A I am sure I remember him.
Q At the Seminary? A Yes, sir, I think he was cooking there.
Q You have a distinct recollection of seeing him there at the the Seminary when you were teaching there? A Yes, sir.
Q And then you saw him at different times afterwards, since you were married? A Yes, sir; we had him employed after I was married.

BY W. M. CRAVENS, Attorney for Applicant:

Q Has he always been in your family, been recognized as a former slave of your family? A Yes, sir; the others would know more about him.

BY W. W. HASTINGS:

Q I will ask you if in the year 1880 your husband was not then Chief of this Nation? A Yes.
Q And he lived here in Fort Gibson? A Yes, but you see I was not married in 1880.
Q But your husband's home was then in Fort Gibson was not it?
A Yes, sir.

Supl.-D.#126.--6.

J. O. Rennen, being first duly sworn, states that he stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the forregoing is a true and complete transcript of his stenographic notes thereof.

J O Rennen

Subscribed and sworn to before me this 24th day of April, 1901.

Commissioner.

In the Matter of the
Application of
Henry Taylor to be
enrolled as a Cherokee
freedman

Deposition of
Warren H Butler

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 29 1901

Subscribed & sworn to before me this
the 27th day of April 1901

My Commission

In the Matter of the Application of Henry Taylor to be enrolled as a Chickasaw freedman.

Dr. Love to me
Mr. Brown H. Burton

Subscribed & sworn to before me this 27th day of April 1901.

W. W. Hastings
Notary Public

My Com. Ex- 9/8/1901-

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 29 1901

Tahlequah Ind Ter

In the Matter of the
Application of Henry Taylor
to be enrolled as a Cherokee
Freedman

Mrs Frances H Butler being sworn
says My name is Frances H Butler
I am Seventy Two years of age since
the 1st day of November 1900
My Maiden name was Frances H
Taylor. My fathers name was
Richard Taylor. He was a Cherokee
Indian by blood of the half blood
and lived and died in the Cherokee Nation
Indian Territory. I have lived in
the Cherokee Nation all my life-
except what time I went to School at
Fayetteville Arkansas and returned
to Texas during the war 1861 & 65.
I know Henry Taylor the Applicant
and have known him all his life.
His Mother was named Lucy and was
the Slave Of Evan Taylor
residing in Tahlequah Cherokee Nation
when the war began his father was
named Will Taylor and was the slave
of my Mother Susan Taylor who was a

Cherokee Indians residing at Tahlequah
at the Commencement of the war
and remained in the Cherokee
Nation during the war.
Henry's Mother Octave left her husband
Bill Taylor when Henry was a small
boy and his father took him to his
grand Mother Aunt Myra & Miss
Aunt Myra was my mothers cook and
when I went to Texas in 1862 or
1863. I left my Mother living in Tahlequah
and Aunt Myra and this boy Henry
were then living with her. My Mother
remained there in Tahlequah during
the war and I think Aunt Myra
and Henry & Doria with her.
My husband died in Texas in February
1866 and in October of that year I
returned to the Cherokee Nation
and at that time Aunt Myra and
this boy Henry were living in a little
cabin in Fort Gibson. Cherokee Nation
I have known Henry and seen him
at intervals ever since the Fall
of 1866 and he has lived all the
time in the Cherokee Nation
working around [illegible] places
[illegible]

In my fathers family there were two Will Taylors both slaves One called Black Will - but my father gave him to my sister Eliza Thompson and he died before or about the beginning of the war. The other was called Yellow Will and he was Henry father - Who died at Vinita twelve or fifteen years ago - as I am informed He was here in Tahlequah working with Daniel Ross for several years and was working for him in Ft Gibson when I came [illegible]

Cross Examination by W W Hastings Esq for Chickasaw Nation

I saw Henry Taylor in little Cabin near Ft Gibson when I came to it he was living with his [illegible] Mother Peggy Taylor She was my Mothers servant I don't know when I first saw him he was in the printing office when E. C. Boudinot was editing it I have seen him frequently since he has never left the nation so far as I know

Frances [illegible]

FILED

APR 30 1901

ACTING CHAIRMAN.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 29, 1901.

In the matter of the application of Henry Taylor for the enrollment of himself as a Cherokee Freedman;

Proceedings:

Comes attorney William M. Cravens, for applicant, and desires to offer as evidence the deposition of Mrs. Frances Butler, which is taken because she is blind and cannot appear before the Commission. It is an examination, and cross-examination by the attorneys for the Cherokee Nation.

Cherokee Representative, James S. Davenport:

The representatives of the Cherokee Nation object to the introduction of testimony by deposition, for the reason that it is not the proper method of taking testimony in these cases, and if such a manner of taking testimony is allowed by the Commission, it will place us beyond the reach of the Representatives of the Cherokee Nation at the taking of them, as they could take them at any part of the country, and we could not be properly represented at the taking.

Com'r Breckinridge: This deposition is ordered filed in the case of Henry Taylor, Cherokee Freedman, doubtful card 125. The witness in the case is an aged woman and totally blind; said to be 73 years of age, and living at Tahlequah. The interrogatories having been framed by the attorney of the claimant, and W.W. Hastings, one of the legal representatives of the Cherokee Nation.

Cherokee Representative, James S. Davenport:

The representative of the Cherokee Nation present objects to the affidavit showing the cross-examination by Mr. W.W. Hastings, who at the time as shown by the date taken was the representative of the Cherokee Nation, but deny that the show that he intered into an agreement at the taking of them, or discloses that he ever appeared there in the capacity of representative of the Cherokee Nation, or that the were taken before any officer authorized to take testimony in cases.

Attorney Wm. Cravens:

Applicant was authorized, and the deposition was taken by the authority of the Commission; before taking it, I notified Mr. Hastings that I had authority from the Commission to take the deposition, and he said to me I could take it, let him know and we would take it at any time; we were both attending the court at Tahlequah and with his consent he appeared at the house of Mrs. Butler, at her home, and cross-examined her on the part of the Cherokee Nation.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green.

Subscribed and sworn to before me this April 30, 1901.

Commissioner.

Re J

FEB 7 190

NOTICE!

IN THE MATTER OF The application of Henry Taylor for enrollment as a Cherokee Freedman

Case No. F. D. 125

To Henry Taylor Tahlequah I.T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes, testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee Indian Territory, on the following dates, to-wit: Sept 25 1901 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this day of 1901.

Attorneys for the Cherokee Nation.

F. D. 125

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 10 1901

ACTING CHAIRMAN.

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Henry Bear

for enrollment as a Cherokee Freedman.

No. F. D. 50

Henry Bear, of lawful age, being duly sworn on oath states that on the 7th day of Sept, A. D. 1901, he registered to Henry Taylor whose postoffice is Muskogee Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at Indian Territory;~~ and that on the 10th day of Oct, 1901, he received the return card which is hereto attached, signed by the said Henry Taylor, showing that he had received said notice.

Henry Bear

Subscribed and sworn to before me on this the 10 day of Sept A. D. 1901.

W. O. Starr

Notary Public.

30125

-8-

D

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Henry Taylor for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Applicant not present or represented;
W. W. Hastings, of counsel for Cherokee Nation.

Commission: The Cherokee Nation makes satisfactory proof of service of notice on the said Henry Taylor that testimony would be introduced on behalf of the Cherokee Nation in the matter of his application for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, September 18, 1901. The said Henry Taylor ~~has~~ is represented by William M. Cravens. Said William M. Cravens and Henry Taylor have been called three times and do not respond.

McCOY SMITH, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A McCoy Smith.
Q How old are you? A 54 years.
Q You a Cherokee citizen by blood? A Yes, sir.
Q Do you know a colored man by the name of Henry Taylor? A Yes, sir, I know him.
Q Do you know his mother? A No, sir.
Q Did you know his grandmother, Elvira? A I didn't know her by that name, her name was Elmira.
Q Did you know her before the war? A Yes, sir.
Q Did you say you didn't know his mother? A No, sir, I didn't know his mother.
Q But you knew his grandmother? A Yes, sir, I knew his grandmother.
Q You never saw this man, the applicant, before the war? A No sir.
Q Where were you living the first years after the war? A The first years after the war I was living part of the time at Gibson and then down at the mouth of Grand River at the ferry there.
Q At the Nivens Ferry? A Yes, sir.
Q How far is that from Fort Gibson? A About two miles and a half.
Q Well, were you living around Fort Gibson at the ferry in '66 and '7 and '8? A In '67 and '68, '69 and '70.
Q Well, when did you first see this boy and his grandmother? A In '70.
Q Well, where did they come to? A They came to the River and s topped on the other side.
Q Near the ferry? A Yes, sir, they crossed at the ferry and stopped on the other side.
Q Do you know where they came from? A The old lady ~~has~~ said she come from Fort Scott.
Q Kansas? A Kansas.
Q Now you state y u had been living around there before that? A Yes, sir.
Q And you knew the old lady before the war? A Yes sir, I knew her before the war.
Q Now up until 1870 had you ever seen her after the war? A No, sir, not until then.
Q You know what this boy went by, whether they nick-named him or not? A Fort Scott.
Q They called him Fort Scott, did they? A Yes, sir.
Q You know why? A Because he lived with them.

Commission: Did you state that you didn't see the mother of this Henry Taylor until '70? A I never saw her at all.

Q The grandmother; when did you first see Henry Taylor? A In '70

Q Was he living in the Cherokee Nation at that time? A No, sir, he just came in there, crossed the river there at the ferry and went out, I suppose he was 200 yards just across in the Creek Nation from the line.

Q How long had he been living there? A He had just come there.

Q Where did he come from, do you know? A From Fort Scott, Kansas.

Q Do you know whether he had ever been here after the war until '70? A No, that was the first time, they were just direct from Fort Scott Kansas.

Q That was the first time in the Cherokee Nation? A Yes, sir.

Mr. Hastings: About how old was this boy at that time? A Why he was a good big boy, I guess he must have been - -

Q 7, 8 or 10 years old? A Yes, sir, I guess he was, he was large though, big for his age.

Commission: He was with his grandmother at that time? A Yes, sir, he was with her.

JULIA NIVENS, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Julia Nivens.

Q What is your age? A 54.

Q What is your postoffice? A Muskogee.

Q You live on the other side of the Arkansas river, don't you? A Yes, sir.

Q What is known as the Nivens Ferry? A Yes, sir.

Q Mrs. Nivens, how long have you been living there? A I have been living there ever since '67.

Q Do you know this applicant, Henry Taylor? A Yes, sir.

Q Did you know his grandmother, Elvira or Elmira? A Yes, sir.

Q When did you first know them? A Well, the first I remember them was in about '75, they lived in a little house right there by my house, and that is the first I remember of them.

Q You didn't know of them before the war? A No, sir.

Q Do you know where they came from? A The old lady told me that she came from Fort Scott, old Aunt Mire we called her, she came from Fort Scott.

Q You stated you came back in '67 I believe? A Yes, sir

Q Now were they there when you came there? A No, sir.

Q You think then it was after you came that they came? A Yes, sir.

Q Did this boy have any nick name? A Yes, they called him Fort Scott.

Q Did he go by that name generally around there? A Yes, sir.

Q They settled near you, did they, or how far from you? A About two or three hundred yards from my house.

Commission: Did Henry Taylor's grandmother tell you she had come directly from Fort Scott, Kansas? A Yes, sir.

Q She didn't say she had been here previous to that time? A No, sir.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this 20th day of September, 1901.

M D Green

Notary Public.

S.L. 135

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 14 1902

Freedman D-135.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Henry Taylor for the enrollment of himself as a Cherokee freedman.

Applicant represented by W. M. Cravens, Muskogee; Cherokee Nation by W. W. Hastings.

By the Commission:

The applicant in this case is identified on the Wallace Roll of Cherokee freedmen on page 441, No. 8949, in Canadian District.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

E. L. Rothenberger.

Subscribed and sworn to before me this 2nd day of June, 1902.

C. R. Kutler

Notary Public.

A

Cherokee Freedmen D 125.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Henry Taylor for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on April 20, 1901, Henry Taylor appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on April 29, 1901, and at Muskogee, Indian Territory, on May 31, 1902.

The evidence shows that Henry Taylor is the son of Will Taylor and Octavia Taylor, both of whom were slaves of Cherokee citizens at the commencement of the rebellion; and that the said Will Taylor was residing in the Cherokee Nation in October, 1866. The evidence further shows that the applicant was born during the rebellion; that he was a resident of the Cherokee Nation in October, 1866; and that he has resided therein continuously from that time, up to and including the date of his application herein.

It is, therefore, the opinion of this Commission that Henry Taylor should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,

this MAR 5 19[illegible]

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

In the matter of the application for the enrollment of Henry Taylor as a Cherokee Freedman.

Cherokee F. D. 125.

Comes now the Cherokee Nation and respectfully protests against the decision of the Commission rendered in this case and prays an Appeal to the Honorable Secretary of the Interior.

Arugument.

The testimony in this case shows that Henry TaylOr was thirty seven years of age and was therefore born in 1862 or 1863 and the Testimony further shows that his mother Octavia Taylor left the Cherokee Nation and went south and died some time during the war and that the applicant was left with his grand mother and the applicant verifies this statement. His grand mothers name was Elmira Taylor. Of course he was too young to testify as to his ownership or whereabouts for a number of years after the war and so was Mrs Eloise Bushyhead too young to testify as to his whereabouts and the only testimony introduced tending to show the applicants right to enrollment was that of Mrs Frances Butler, a very aged, feeble and blind woman whose testimony was taken under very great difficulties and very embarrassing to the Representatives of the Cherokee Nation and she persisted in knowing no details whatever of the return or whereabouts of the applicant and who seriously and strenuously objected to a thorough cross examination.

Upon the other hand McCoy Smith and Mrs Julia Nivens both reputable citizens of the Cherokee Nation swear they resided near Fort Gibson near the point where grand river empties into the Arkansas river, being the same place where the applicant claims to have spent his early childhood and they both testify to knowing the applicant and his grand mother and they remember distinctly the corcumstances of Elmira Taylor, also known as Mira Taylor, coming back and crossing the river, and she said, , and it was generally known, that she came from Fort Scott , Kansas. About this

there can be no dispute.. It can not be controverted. It was not attempted to be controverted. Now Mrs Julia Nivens did not herself return until 1867 and she says it was long after her return before applicant and his grand mother came back.

McCoy Smith further emphasizes his knowledge of the above return by stating that for years the pplicant was known as "Fort Scott" meaning of course that he was a recent arrival from Fort Scott, Kansas.

Both of these witnesses testify without any reservation or hesitancy and neither have any interest in the result of this controversy. Upon the other hand we are prone to believe that Mrs Frances Butler's sympathetic nature was in her aged and declining years so appealed to that she fell into error as to th date she saw Henry Taylor , because Henry Taylor's citizenship seems to have been a matter of controversy ever since the war and if Frances Butler had known as she claims to have known of his right to be enrolled as a citizen of the Cherokee Nation as sure as fate she would have been called upon to have appeared before some Commi sion or citizenship court to have given evidence to that fact.

Her daughter Eloise Butler married Chief Bushyhead under whose administration numbers of citizenship courts or Commissions, authorized to hear applications for citizenship were appointed. The applicant Henry Taylor never applied to a single one of them to be enrolled as a citizen of the Cherokee Nation. Although if his statement be true and he could have proved by this old, feeble, blind woman, any one of these Commissions would have been glad to have admitted him. His statement and his proof is unreasonable; he corroborrates McCoy Smith and Julia Nivens to the extent of saying that he was in the care and custody of his grand mother and that her name was Elmira and we say that this testimony is so clear and positive to the fact that Henry Taylor and his grand mother did not return until 1870 and afterwards that this case should be reversed by the Honorable Secretary of the Interior.

Respectfully,

Attorney for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Henry Tayler,
Tahlequah, I.T.
CherokeeF-D-125.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 128.

Muskogee, Indian Territory, March 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Henry Taylor for enrollment as a Cherokee freedman.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-22

Commissioner in Charge.

Cherokee Freedmen
D-125.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Henry Taylor for enrollment as a Cherokee freedman, including the Commission's decision, dated March 5, 1904, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-54.

Cherokee Freedmen
D-125.

Muskogee, Indian Territory, April 14, 1904.

W. M. Cravens,

Attorney for Henry Taylor,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Henry Taylor for the enrollment of himself as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register

Enc. D-53.

V.

Cherokee Freedmen
D-125.

Muskogee, Indian Territory, April 14, 1904.

Henry Taylor,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for enrollment as a Cherokee freedman. Your attorney, W. M. Cravens, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Commissioner in Charge.

Enc. D-52.

(COPY)

Refer in reply to
the following:
Land.
25955-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 10, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated April 14, 1904, transmitting the record of the application for enrollment as a Cherokee freedman of Henry Taylor.

March 5, 1904, the Commission found that the applicant was entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant was the slave of a Cherokee citizen born in the Cherokee Nation and remained there up to the date of the record.

In view of the record, the approval of the Commission's decision favorable to the applicant is recommended.

Very respectfully,

A.C.Tonner,

Acting Commissioner.

MMM

C

(COPY)

D.C. 21468-1904. W.C.F. J.P. FHE

DEPARTMENT OF THE INTERIOR,

I.T.D. 4800-1904. WASHINGTON. June 20, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 14, 1904, you transmitted the record in the matter of the application for the enrollment of Henry Taylor as a Cherokee freedman, including your decision of March 5, 1904, granting said application.

The attorney for the Cherokee nation protests against your decision.

Reporting in the matter June 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

Cherokee freedmen
D 125

Muskogee, Indian Territory, June 30, 1904.

Henry Taylor,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 20, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 125

Muskogee, Indian Territory, June 30, 1904.

W. M. Cravens,

Attorney for Henry Taylor,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Henry Taylor as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 20, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D 125

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Henry Taylor for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 20, 1904.

Respectfully,

Commissioner in Charge.



Cher Fr 1358

Trans. from Cher Fr D 813

see Cher Fr 1359 and 1360 thru 1364

Cher Fr 1358

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al.,....	Cherokee	Freedmen	D 813
George Starr, Jr.,.....	"	"	D 867
Jane Kernel,.....	"	"	D 856
Wash Nave, Jr.,.....	"	"	D 815
Dave Nave,.....	"	"	D 821
Reuben Nave,.....	"	"	D 822
George F. Nave,.....	"	"	D 823

Department of the Interior.
Commission to the Five Civilized Tribes.
Newata, I. T. June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette& Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles,

Q What is your name? A. George Starr.
Q What is your age? A. 48.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yessir.
Q Who else do you want to have enrolled? A. One boy.
Q What is his name? A. Arthur Starr.
Q How old is he? A. 19 years old.

By Mellette

Q Were you a slave in the Cherokee Nation at the beginning of the war?
A Yes sir.
Q Who were your owners? A. Zeek Starr.
Q Was he a Cherokee citizen? A. Yes sir
Q Were you taken out of the Cherokee Nation at the beginning of the war? A. Yes sir.
Q Where did they take you to? A. Kansas.
Q When did you return to the Cherokee Nation after the war? A. In '66
Q Where did you first come to? A. Timber Hill.
Q What time in '66 did you come back? A. In the Fall.
Q Where did you go to then? A. We went then on Grand river.
Q When did you go there? A. The same fall, we only stopped a few days at Timber hill.
Q What place on Grand river did you stop at then? A. Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66? A. In the Cherokee Nation.
Q All the time? A. Yes sir.
Q Do you own a place on the Public Domain of the Cherkee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A. I have two children of my own.
Q One besides this one? Al Yes sir.
Q What is its name? A. George.
Q How old is he? A. 26 years old.

By Hastings-

Q Who did you come to the Cherokee Nation with after the war? A. With Dave French.
Q Where did you first see him? A. Went to Kansas with him and came back with him.
Q Where did you first see him? A. I first saw him in Arkansas, Cain Hill
Q Was that before or after the war? A. During the war.
Q When did you first see him in Kansas? A. I went to Kansas with him.
Q Where were you married, in Kansas? A. No sir.
Q What is your wifes name? A. Malinda Johnson.
Q Where were you married to her? A. On Lightning creek.

Q Who married you? A. Preacher Nelson.
Q How long ago? A. 27 years ago.
Q Was that a colored man or a Cherokee? A. A colored man.
Q You claim to have come back with Dave French do you? A. Yes sir.
Q Who else was with him? A. His sister Jenny.
Q Jenny what? A. Curnell, I think.
Q Was she married then? A. Yes sir I think she was.
Q Who else came ? A. Eveline.
Q What? A. I dont know her husband.
Q What kin was she to Dave? A. A sister.
Q Was she married then? A. I dont think she was.
Q Well who else came? A. The Naves
Q How many of them, lets have all their names? A. Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time? A. I dont know..
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you come? A. He made 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A. Yes sir.
Q If he had a family then it was down here? A. I dont know.
Q He had been here before that hadn't he? A. Yes sir.
Q How many trips had he made before you came? A.,May be three.
Q What time of the year did you come? A. In the fall, in November.
Q Where did youfirst come to? A. Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A. Yes sir.
Q Did you come through Chetopa as you came down? A. It was not much of a place when we came, but we come in that direction.
Q Did you stop at any of the stores there? A. No sir.
Q Did you come through Parsons? A. No sir it wasn't there.
Q Did you come through Parker? A. No sir.
Q Where did you locate in the Cherokee Nation? A. On 14 Mile Creek.
Q You went right on there did you? A. No sir we stopped a few days on the Rider place at Leodey's.
Q Was Dave French with you there? A. Yes sir but he left me there.
Q Did you go to Fort Gibson? A. Yes sir a month or two after that.
Q Where did Billy Leodey live? A. On Pryor creek.
Q Was he a colored man? A. Yes sir.
Q Did he have a wife? A. Yes sir.
Q Did he have any children? A. Yes sir.
Q Name them? A. Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A. Yes sir, I think so.
Q You made a statement before that Commission? A. Yes sir.
Q Did you use Dave French for a witness then? A. Yes sir.
Q Did you bring Frank Ross there? A. I didn't have but one witness.
Q Did they take Frenche's statement? A. They didn't call him.
Q Then you didn't use him? A. They didn't call him.
Q Then he didn't testify? A. No sir.
Q After staying on Pryor creek for a while you went to 14 Mile Creek, how long did you stay there? First, how long did you stay on Pryor creek?
A We came there in November and left there in December.
Q And then you went to 14 Mile creek? A. Yes sir.
Q Whose place on 14 Mile creek? A. Mose Nave place.
Q How long did you stay on the Mose Nave place? A. I went to his house, that was my step father and I staid there.
Q Who were some of Mose Nave's neighbors then? A. I dont know exactly,

there was Steven Taylor and his family.
Q Colored man or a Cherokee? A. Colored man.
Q How far from Fort Gibson was this? A. 7 or 8 miles.
Q East? A. Yes sir.
Q On 14 Mile creek? A. Yes sir.
Q Did Mose Wave live in a house? A. Yes sir.
Q What kind of a house? A. Log house
Q Who owned that place before the war?A. He built it himself.
Q Did he have a field there then? A. I think he rented a few acres from Arch Veland.
Q How long did you stay there? A. A year or two I think, I worked some on Grand river.
Q Who for? A. John xxx Walker and for Sikkiller.
Q Where did you go from Grand river, when you were working there? A. Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile Creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A. I cant tell,I was there lots of times.
QWhen did you last live there? A. I worked there .
Q When was the first time you worked there after the war? A. I think it was in '87.
Q You didn't work there in 67. '8 and '9? A No sir.
Q You didn't see George Musgrove up there? A. No sir.
QYou know him? A. Yes sir.
Q Where were you married? A. On Lightning creek.
Q The first time? A. Yes sir.
Q What years was that? A. '74.
Q Your oldest child, George Starr, Jr., where was he born? A. On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A. Yes sir.
Q When did you first go there? A. In '87.
Q Is that the first time that you ever saw the town? A. No sir I went up there and passed through in '71.
Q Wasn't living there then? A. No sir.
Q Not working there then? A. No sir.
Q Not keeping house there then? A. No sir.
Q Where did you go on that trip? A. To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train ? A. At Cheuteau.
Q Did you testify five years ago that you went up to Kansas in '88? A Yes sir.
Q Did you? A. Yes sir, I did.
Q How long did you stay there that time? A. A Week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A. I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A. My wifes folks.
Q Did you know Cal Coker? A. No sir I dont know him.
Q What were your wife's folks names? A. Johnson and Loodeys'
Q How far from Goody's Bluff was that? A. Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A. A Jack Landrum.
Q How far did you live from him? A. 4 or 5 miles.
Q How long did you stay there? A. Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A. No sir in several houses.
Q Did you make a place of your own there? A. Yes sir.
Q When did you make that place? A. 16 years ago.
Q How far was that from Jack Landrum's ? 4 or 5 miles.

By Mellette-

Q Who was your wife when you married her? A. Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled? A Yes sir.
Q Where were you married to her? A. On Lightning creek.
Q Who ma ried you? A. A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A. Until she died.
Q How many years was that? A. Up until 1881.
Q About how many years? A. Must have been 10 or 11 years.

By the Commission;

Q Was she a citizen? A. Yes sir.
Q Is her name on the roll of 1880? A. I dont know.
Q What was her maiden name? A. Johnson.
Q Is she the mother of Arthur? A. Yes sir.

Applicant and his first wife not found on the roll of 1880.

Korn Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No. 3661, George Starr, Cooweescoowee district.
Page 148 No. 3662, Arthur Starr, "

Wallace roll examined and the applicants identified as follows
Page 140 No. 3940, George Starr, Cooweescoowee district.
Page 140 No. 3942, Arthur Starr, "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-

Q What is your name? A. Dave French.
Q What is your age? A. 72.
Q Where do you live? A. Down on Virdigris river , in Goose neck Bend, this side.
Q In the Cherokee Nation? A. Yes sir.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know this applicant? A. Yes sir.
Q How long have you known him? A. Ever since he was a boy.
Q Was he a slave? A Yes sir he was Zeek Starr's slve.
Q Was he a Cherokee Indian? A. Yes sir.
Q Where was this applicant taken to during the war? A. To Kansas.
Q When did he come back ? A In the fall of '66.
Q How do you know? A. He come with me.
Q Where did he go when he come that time? A. I left him at Tom Riders on Grand river, uncle Billy Leeday lived there then.
Q Where has he been since? A. On Lightning creek and 14 Mile creek.

By Hastings-

Q Where did you first see this applicant just before the war? A. In Flint district.

Q How far from you? A. 6 or 7 miles.
Q Where did you next see him? A. During the war in Kansas.
Q Near what town? A. Neosho Falls.
Q Did he come with you when you come? A Yes sir.
Q Did he come with you when you come with your family? A. When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A. No sir.
Q Did he have any family then? A No sir.
Q Single? A. Yes sir.
Q Was his mother in Kansas then? A. I dont know.
Q You left him with uncle Billy Leeday? A Yes sir.
Q You didn't testify Her him before the Kern Clifton Commission? A No sir.
Q You had been down here before you brought him had you? A. Yes sir.
Q How many trips had you made before you brought him? A. I dont know.
Q Had you made several? A. I dont know, cant tell you.
Q How long was it until you saw him again after that? A. I saw him several times after that.
Q Were you married when you come down with him? A. I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A. Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A. I think she staid there until the spring on '67.
Q Did you bring her back then? A. No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A. On the Martha Vann place.
Q On this side or on the other side of the river? A., On the other side.
Q In Saline district? A. Yes sir.
Q Who was it brought her back? A. I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A. No sir.
Q Where did you marry this woman that you are living with now? A. In Wichita Kansas.
Q Is her name Lucinda? A. Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A. I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back , as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A. Yes sir.
Q You and Lucinda? A. Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A. I did.
Q How long was that before she returned? A. In the summer of '66,
Q You say she was in Fort Gibson? A. Yes sir she was out with a hay outfit when they was cutting hay? ~~Who was~~
Q Who was cutting hay? A. The Government.
Q When was that? A. In August I guess.
Q Who else was along? A. When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A. My wife's sister.
Q Did you take her children with her? A. Yes sir.
Q How many? A. I dont remember.
Q You dont remember your wife's children that were along with her? A. I dont remember I guess she had them all, [redacted].

left
Q Do you know? A. There wasn't any among I dont think.
Q Who were they? A Bill, Andy , Jenny, Caroline, Ellen, Louisa.
Q Is that all? A. Jim.
Q Any one else? A. Eli, wasn't born.
Q Where was the eldest child born? A. On Sallisaw, in Flint.
Q Where was te youngest one by that wife born? A. In the Spring on '78.
Q Wher? A. On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A. Hauling folks
Q What did this man pay you for hauling him down? A. I dont know.
Q Hauled him free didn't you? A. I expect I did, I dont know.
Q And your wife was in Kansas? A. Yes sir.
Q From what town did you start with this fellow? A. From Neosho falls
Q How far is that from Fort Scott? A. 30 or 40 miles may be, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A. Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A. I dont know.
Q You know more about this fellow than you did about your wife? A. (No response)
Q Who did this fellow stay with on 14 Mile creek? A. With Mose Nave.
Q Were you ever there after the war and saw this man there? A. Yes sir
Q When was that? A. In '67 or '8
Q And he was there then? A. Yes sir.
Q Do you knew who married this man the first time? .A No sir.
Q Who married him the next time? A. I dont know
Q How far do you live from him now? A. I live on Goose Neck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning creek? A. I dont know.

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A. My two sisters, and Mose Nave and his wife.
Q Did the Nave Boys, George, Dave and Ruben come with you ? A No sir they came before that in the spring and were on 14 Mile creek then.

* *

Continued by Stenographer M. D. Green this 22d of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 8th of July, 1901.

Commissioner.

B

3583

COMMISSION OF THE FIVE CIVILIZED TRIBES

FILED

JUL 1901

Agent

CONTINUED,- former portion of this case taken by stenog.C.vonWeise:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22,1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

BY MR. MELLETTE:
Q What is your name?A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr?A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war?A I saw him on it's called on the Tom Rider place on Grand river.
Q What year?A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife?A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married?A She was living on ~~Pryorxcxfreek~~ Lightning Creek, ~~and~~ on Pryor's Creek, and then they moved to Lightning.
Q How long ago was that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:
Q What was her maiden name?A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live?A She lived with her father and mother.
Q On Pryor Creek?A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time?A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married?A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farmover there?A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who come with this fellow down there to Pryor Creek when you saw him?A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave?A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw?A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.

Q You know that that was that year?A Yes sir, I know it was that fall of '66.
Q You knew that 5 years ago too?A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of ~~April I guess~~ fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there?A On Tom Rider's place.
Q That was on Grand river? AClose to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined;

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die?A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one MalindaJones, who was the mother of ArthurStarr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address when it is arrived at.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 1st, 1901.

Commissioner.

B T.B. #3

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Grayson Ter.

1 Name George Starr Age 40 Sex Male Relationship Cherokee

(Parent's name) Dick Starr

Year 1896 Page 141 No. 9661 District Coo

Parents

Father Relationship

Mother Relationship

2 Name of wife Martha Starr Age

(Parent's name)

Year Page

Parents

Father Relationship

Mother Relationship

Names of Children

2 1 Arthur Starr Year 1896 Page 141 No. 9662 Dist Coo 19

1 Year Page No. Dist

5 Year Page No. Dist

6 Year Page No. Dist

7 Year Page No. Dist

8 Year Page No. Dist

9. Year Page No. Dist

10 Year Page No. Dist

11. Year Page No. Dist

12 Year Page No. Dist

Applications made by Self stenographer Chas. Thompson
W. M. Brown

1 Cer. Certificate issued, Page No. 2041 — Coo

2 " " " " No. 2042 —

Represented by Mellett and Spencer

File with George Starr, et al., C. P. D. 615.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al. C. P. D.615.
SUPPLEMENTAL TESTIMONY

Appearances:
L. P. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MCGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Mr. Bell)
Q Your name? A George Musgrove.
Q Your age? A About 60,
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Rose Nave? A Yes sir.
Q How long have you known him? A Got acquainted with him --let me see--let me study there, I just staid there all night with him, I passed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow had stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1869, where did you live? A I lived on Virdigris. on Coweneed Hunt.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 Mile creek.
Q How far from Rose Nave? A About half a mile.
Q During these two years that lived within half a mile of Rose Nave did you see George Starr there? A Never did see him there.
(By Smith)
Q When was it you say you went to hunt your mule? A I can't say exactly, '67 wasn't it?
Q You are the one to know. You don't know exactly when you went to hunt the mule? A I believe it was in '68.
Q It was in '68 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q Did you come by Labette? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I rode along the mail road.
Q Did you go to Kansas on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go back, back to where you were living? A I went back to Coweneed Hunt.
Q How much did you come to Vinita on that trip? A About 30 miles I

time,now as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there,I stood all right with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Rose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule,the railroad from Parsons to Independence was build? A Yes sir.
Q This M. K. & T. was build? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any Kin to you? A No sir.
Q You understand that he is a step son of Rose Naves? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Rose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Rose Naves live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Rose Naves? A Ralf a mile.
Q You didn't stay at home all the time? A No sir not all the time,be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it .
Q What made you say '69 if you didn't know? A A man sometimes forgets dates
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could recal I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said—I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brumsell a fellow around here like he dont know nothing.

x x x x

This will be filed in Cherokee Freedmen Doubtful cases,D-813; D-856 and D-867.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 25th of October, 1901.

C. R. Breckinridge
Commissioner.

X0813

1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Starr, D 813;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Subscribed and sworn to before me this 8 day of

J.P.

Commissioner.

Geo. Stark - 12 S

1987

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of George Starr, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

Q What is your name? A George Starr, Jr.
Q How old are you? A 26.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody.
BY MR. SMITH:
Q Who was your father? A George Starr, Sr.
Q Where does your father, George Starr, live? A On Lightning Creek.
Q Who was your mother? A Malinda Starr.
Q Is she living or dead? A She is dead.
Q How old are you? A I am 26 years old.
Q Where do you live? A I live on Lightning Creek.
Q What is your post-office? A Hayden post-office.
Q How long have you lived on Lightning Creek? A All my life.
Q That's in the Cherokee Nation? A Yes sir.
Q How long have you been here before the Commission, on the ground? A I have been here ever since last week.
Q Were you here when your father applied for admission? A Yessir.
Q Is the George Starr who applied for enrollment here before the Commission the same George, is he the George Starr who is your father? A Yes sir.
Q Who do you apply for? A Nobody but myself.
Q Not married? A No sir.
BY MR. HASTINGS:
Q You were born on Big Creek? A No, I was born on Lightning Creek.
Q Who were your neighbors when you first remember? A Jack Landrum. and Lewis Wright.
Q Are you married? A No sir.
Q You are living with your father all the time? A Yes sir.
Q Live with him now? A Yes sir.
Q All the time in the Cherokee Nation? A Yes sir.
Q You have been working some up in Kansas? A I went to school in Kansas.
Q What town? A Parsons.
Q How long did you go to school there? A 8 or 9 months.
Q You worked up there in any other place? A No sir.
BY COM'R NEEDLES:
Q No children? A No sir.
Q You married? A No sir.
Q You ever draw any money? A Yes sir.
Q Draw the Kern-Clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 148 #3663 George Starr, Jr., Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 140 #2941 George Starr, Jr., Cooweescoowee District.

Com'r Needles: George Starr Jr. applies for the enroll-

ment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the rolls as indicated in the testimony, makes satisfactory proof as to residence, he avers that he is the child of George Starr, who was listed for enrollment on D card 813, and the testimony in the application of said George Starr will be made a part of the record in the case at bar, and a copy thereof filed herewith; said George Starr Jr. will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and he will be notified by mail of the decision of the Commission, in the premises.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 9, 1901.

Commissioner.

XP856

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25, 1901.

In the matter of the application of Jane Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at that time to this ~~man~~ Mary Nave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is ~~as~~ not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 106 #2260 Jane Colonel, Salin District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Salina.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back there until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.
Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.

Jane Kernel 2

Q Who did you go with down there? A With my brother and sister, brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all come down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband went on to the Creek nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was goingon.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation? A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month of not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Nave.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we come back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you got there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.
Q You had known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died,

in the Creek Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R NEEDLES:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You know old Abe Kernel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q ~~Now you get~~ I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Eveline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just ~~camped~~ camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Saline? A Went to 14 Mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Needles, testified as follows:

BY MR. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant, A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the

same woman.
BY MR. HASTINGS:
Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will have put it on the record and get it all right, I have got to get it in every case you know, you people must understand that? A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Evelina and the next one was named Jane, Jane Nave and Evelina Nave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden.
Q Who else? A Her husband, Eph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas in Kansas I guess.
Q What was her husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek --ation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, some time in the firstpart of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a man named Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war, A Yes sir.
Q You can't say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:
Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, andher husband, I don't recollect how many was along, it has been so long I can't think.
Q You remember whether George Starr was along? A George Starr was along with us.
Q Where did you first come to, what point in the Cherokee Nation? A We first struck the Cherokee Nation down below Chetopa.
Q I mean where did you come to? A Timbered Hill.
Q What time of the year did you say that was? A That was in the first part of the summer, springlike, I don't know what month it was.
Q Of what year? A '66.
BY MR. HASTINGS:
Q How far was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.
Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.
Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.
Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.
Q Good piece? A I ~~xxxxxxxxxxx~~ don't say a god piece, it is a piece though.
Q You know how far it was from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know ~~xxx~~ exactly how far it is.
Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.
Q Did you come through Chetopa? A I guess we did, I think we did anyway.
Q That is your best judgment? A Yes sir.
You know what sized place it was? A I don't know, didn't take no notice.
Q About how many stores there? A I don't know, I didn't look.
Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.
Q You don't know what sized place it was? A I don't, I ~~xx~~ know it was Chetopa, small town, I don't know how large.
Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the Nation and stopped.

Com'r Meedles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returnedin '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 813, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

-----oooo-----

Jane Kernel 6

M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his steographic notes thereof.

M D Green

Subscribed and sworn to before me this July 8, 1901.

[signature]

Commissioner.

D-858.

Department of the Navy
Commandant, U.S. Naval Station
Norfolk, Virginia
July 21, 1938.

In the matter of the application of the Norfolk Terminal Company for a Department Permit.

Gentlemen:

Reference is made to your application dated July 19, 1938, requesting permission to construct a pier and bulkhead in the Elizabeth River, Virginia, as shown on the plan submitted therewith.

The Secretary of War has referred the matter to this office for report and recommendation.

It appears that the proposed work will not be detrimental to navigation in the vicinity of the Naval Operating Base, Norfolk, Virginia, and this office has no objection to the granting of the permit applied for.

Very truly yours,

[illegible]
Captain, U.S. Navy,
Commandant.

The Secretary of War,
Washington, D.C.

D-858.

DEPARTMENT OF THE ARMY
Corps of Engineers
Norfolk District
Norfolk, Virginia

July 25, 1938

Subject: Application for Department Permit.

To: Mr. Harry Brown
Federal Building
Norfolk, Virginia

1. Reference is made to your application dated July 19, 1938, for a Department Permit to construct a pier and bulkhead in the Elizabeth River, Virginia, as shown on the plan submitted therewith.

2. The Secretary of War has referred the matter to this office for report and recommendation.

3. It appears that the proposed work will not be detrimental to navigation in the vicinity of the Naval Operating Base, Norfolk, Virginia, and this office has no objection to the granting of the permit applied for.

4. Your attention is invited to the fact that a Department Permit does not relieve you of the necessity of obtaining any other permits required by law for the construction of the proposed work.

By direction of the Secretary of War:

[illegible]
Colonel, Corps of Engineers,
District Engineer.

D-858.

7. D-858.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1903.

In the matter of the application of Jane Kernal for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-858.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 818 be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this 21st day of July, 1903.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 42 or 4.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.

BY MR. MELLETTE:

Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter partof it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q How do you remember anythingabout coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How lareg were you at that time? A I was just a tolerable sized boy, small boy, not verylarge.
Q Can you give an idea of about how old you were at that time? A I must have been 6 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.

Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist, 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back fromKansas after the war do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place, Bill Loody was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How long did you say you are now? A 43 or 4., I don't know just exactly which.
Q You were a small boy then when you returned?A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old?A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did there was one family come with us, that I recollect.
Q What was their name?A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was withus, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time?A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you comefrom?A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection?A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far?A It is about 9 miles, 8 or 9 miles, from where Pryor Creek townis now.
Q About how long did you stay there?A I don't know just exactly,

we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never travelled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We come up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
Q Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?
A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 pm/

1 pm.- This case continued; applicant on the stand,- examined
BY MR. HASTINGS:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner ~~before the war~~ in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They was along.

Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a- old man Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Loody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand river, until she died, there below there.
Q ~~Was this applicant~~ Where has this applicant lived? A They are down there now.
Q This man? A Living there ~~xx~~ now, down on the river there.
Applicant? No.
Witness: ~~Mr~~ Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Cooweescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since your brought him back here? A No sir, he has never been out to ~~make~~ my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.

BY MR. HASTINGS:

Q About what time did Wash Nave ~~jr~~.Sr., this man's father, die?
A I don't know what time it was, I don't know. ~~about how many years~~
Q About how many years after you come back here? A Some where res, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come ~~xxxxxxxxxxxxxx~~ from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't ~~xxxxxxx~~ believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during '66? A I don't know.

Q Let's study them up? I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come backwith first.
Q You don't remember who you came backwith first? A No sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash , I wont be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her backup there.
Q You testified in the case awhile ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came backwith Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all ~~xhx~~ that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place, A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little north-east of Chouteau.
Q Were there any Cherokees living at the Rider place at that time? A Nobody there but Uncle Billy Loody's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back? A I went back. ~~xxxx xxxx~~
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Whereddid you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time? A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river some wheres, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river some-wheres.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go? A They went downbelow across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed awhile, fisiting along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave Franch's family at that time? A No I don't remember seeing them.
Q You think that was in the early spring? A That was in April I am sure it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kerr-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place? A Yes sir, they had a wagon and stayed there in the wagon and went of in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir,
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann?
Q Wash Nave? A Yes sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know any other one? A Well there's another one.
Q You know his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place, A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in Wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them? A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there? A I come that spring.
Q You came the same spring? A Yes sir.

BY MR. HASTINGS:

Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your jusgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Mayes in that in that country over there? A Not in the spring, he was ~~there~~ not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe itwas I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come backthere with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton ~~Dawes~~ Commission? A No sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, You didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coweescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes sir.
Q Do you know this applicant, Wash Nave Jr. A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft. Scott Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river wasthat? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in

Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick.
Q You were one of the Census that takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them at your store there after the war? A In '66.

BY MR. HASTINGS:

Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir.
And I moved away from there in September, it was in
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one time of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars apiece? A Yes sir.

BY MR. MELLETTE:

Q Mr. Foreman, was money that the Representative of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.

BY MR. HASTINGS:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand river.

Wash Nave Jr 11

Q How far from Vinita? A 5 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called, and further examined;

BY COM'R NEEDLES:

Q When did your father, Wash, die? A He died in February, '91, about the 16th or 19th as I believe.

Q And yourmother, Mariah? A She is dead.

Q When did she die? A She died 2 years ago this last February.

Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commissionin the premises.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 1st, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SUPPLEMENTAL TESTIMONY.

F.-D.#815.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 21st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of applicant:

APPEARANCES:
L. T. Brown, for Applicant.
J. S. Davenport, for Cher. Nation.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name. A L. D. Daniels.
Q Your age? A 56.
Q Yout post office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes, sir.
Q Do you know Wash Nave, Jr. A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man Was Nave.
Q That was Wash Nave Jr.'s father was it? A Yes, sir.
Q What was Wash Nave, Jrs. mother's name? A I can't thin of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, thefather of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes, sir.
Q Did you see him at that tme? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December, '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time?
A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R NEEDLES:

Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up..
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December, '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his ~~hong~~ grub ~~stock~~ up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek because Stevens never brought your pony back?
A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No, sir.

Q You never seen him until he came to Gipson?
A Yes, sir, and when he requested to get his folks and come back and old man Stevens came with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him? A Yes, sir; I didn't have any way but to keep it in my head and I remember it.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

Commissioner.

Filed with Cherokee Freedman D-615, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette A Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q Did you know him after the war? A Yes, sir.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.
Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember?
A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Old Aunt Mary Nave, my father's

sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.

Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.

Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.

Q On whose place? A Aunt Martha Vann's place.

Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.

Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.

Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.

Q You don't know then? A No, not exactly the number of children.

Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think; and Wash, if I am not mistaken. Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.

Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.

Q Wasn't over five or six years old? A Yes, sir, I suppose he was.

Q About five or six? A Well I can't say exactly how old he was.

Q Well, he wasn't big enough to make a hand? A Well I don't remember him plowing.

Q You think you would have remembered it if he had plowed? A Why yes I guess I would.

Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.

Q Can you remember the number of wagons they had? A No, sir, I can't state.

Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.

Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.

Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.

Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.

Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.

Q You believe you can? A Yes, sir.

Q Well, where was it that he told you that? A He told me that on the place.

Q That was now what time in '68? A That was in the spring of '68.

Q That was three years after the war, about three years after the war closed? A Yes.

Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.

Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.

Q You don't know all the places he lived in the Cherokee Nation

after the war? A Well he swindled a place right below there in that same neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.

Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.

Q Did you ever testify before any other Court than this Court in this case? A Yes, sir.

Q Where was that? A It was before the Kern Court I think.

Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.

Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here?

A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.

Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.

Q I say that didn't have anything to do with where they came from?

A No, sir.

Q Do you know a man named George Vann? A Yes.

Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.

Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?

Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.

Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.

Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.

Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.

Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.

Q Was he around Vann's a good deal? ~~A your~~ people there? A Yes he was around Rowes and Williams, they were some of his connections.

Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.

Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while.

Q Short while after the war? A Yes, sir.

Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.

Q I don't know whether it is Joe Ross or not. A Yes, that is the man.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A I can't state, he has been dead several years.

Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.

~~Q Where was J. M. Ross in February of '67? A I can't say.~~

Q Where was he during the ~~war~~ year of '67, if you know? A I can't say positive where he was.

Q Do you know where he was in the year '66? A No, sir.

Q When did you first see him after the war? A I can't say when positive, when I saw him.

Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that ~~that~~ Ross was living there, I think maybe that was the first time I saw him.

Q You don't recollect on that point, do you? A No, not positive but I think it was '66 that I seen him.
Q What kin was he to W. C. Ross, Judge Henry Ross? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Ross? A No, sir
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been here ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

****

Taking of testimony continued by Stenographer J. O. Bosson.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 31st, 1901.

WASH NAVE, JR., taking od Testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you livedin the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Alack Vann.
Q Do you know whetheror not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was at my mothther's-in-law, Mrs. Vann's.
Q Did he have his family with hi m? A Yes, si r, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in Feburary or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was livint there, settled down when you saw Him? A Mhiving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was campted there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir? I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper #)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the first time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distingush him George here, we used to call him George Springcreel, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places.
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; I will have to study a little on that; I believe Mayes, the best of my recollection, you see it has been a good while off and I was young.
Q Well, where did wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.

MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some ti me during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year of '66? A It was as near as I remember in the fall.
Q Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was someti me it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adqir, were you brought up near about Evansville, were you raise d t here? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A Du ring the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, how, how long after you moved down here before you saw Wash?
A Well, as near as I could recollectin about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw hi m? A He came there when I was living there.

MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, si r, I don't recollect whether I

did or not.
Q You were living there at the same place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.
MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A No positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the houe or camp out? A They moved in the house, I think there was some housesthere.

Com'r Needles. This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

---oooOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION OF INDIAN AFFAIRS

FILED
NOV 15 1901

ACTING CHAIRMAN

File with Cherokee Freedman D-815, Nash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Nash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

XEROX

Motion Picture.

F. D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No. 80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 130, as follows:

"Wash Nave (Before the Commission on Citizenship July
vs (13, 1878. (Colored) Claiming citizenship.
the Cherokee Nation.

Claimant presents his claim under the fifth specification of a law creating this Commission.
Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of

the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Nash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q There is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. F. Parks, A. B. Cunningham, and E. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.

Q And you don't know anything at all about the records: you don't know who made this entry: you don't know from what date it was made of your own personal knowledge? A Why certainly not: I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record -

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-621, Reuben Nave, D-622, George W. Nave, D-623, and in the case of Nash Nave, Jr., D-615, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the

various rights to Tosh Yazz Chee.

Mr. Murphy: The Secretary's Letter contains that this is relative Tosh Yazz and the father of this Tosh Yazz, Jr., and of all of these children, and is the man who made the application for allotments unquestionably, because this applicant in his allotment application files the name of Tosh Yazz, Jr., whereas the original application as interpreted is signed by Tosh Yazz, and the judgment that was interpreted is against Washington Yazz, and the testimony in this case shows that Washington Yazz was the father of all of these children.

Arthur G. Cunningar, being first duly sworn, states that he stenographer in the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Cunningar

Subscribed and sworn to before me this 9th day of May, 1902.

[illegible]

Notary Public.

The Fern-Clifton roll examined and the applicant identified thereon, page 1196, No. 7649, Smiths district, as Dave Mayo.

The Walla Walla roll examined and the applicant identified thereon, page 1527, No. 2765, Coombes, Oregon, as Dave Mayo.

Mr. Mellette: I would like to have the 1884 roll of Coombes district for the year 1884.

Mr. Mellette: Can you draw any money with it, Mr. [illegible], that case off the roll at Dallesport, I [illegible] offices, of the citizen roll.

Mr. Mellette: I ask to [illegible] marked Exhibit A.

Commissioner: [illegible]

Mr. Hastings: Comes now the [illegible] Motion and protest against the [illegible] of the [illegible] the reason [illegible] and the [illegible] of land [illegible] the [illegible] possession of the [illegible].

Commissioner: The motion to [illegible] name of [illegible] one Joe P. Bailey and be [illegible] petent [illegible] Mr. Mellette: I want reference [illegible] "ave, I-815.

[illegible] child born in [illegible].

[illegible] or Nurse". He cannot be identified upon [illegible] roll of 1882 or the census roll of 1887, but [illegible] tified upon the Fern-Clifton roll and the Walla [illegible] He avers that a [illegible] of one Dave Payne. [illegible] that he is the [illegible] week Dave, who [illegible] ommodity" or "cake Eli". The testimony [illegible] the said Wall Ave, Inc. [illegible] core in the case at bar, [illegible] Said Dave was [illegible] Dave Mayo or [illegible] Dave Mayo. He will [illegible] the [illegible] of the commission in the [illegible].

Bruce - Come, we [illegible] the commission to the Yave Claim. These [illegible] case, and the [illegible]

Swear it. We submit [illegible] the list of "Mly".

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22, 1901.

In the matter of the application of Dave Nave for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

Dave Nave, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dave Nave.
Q How old are you? A I am pretty near fifty.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many have you got? A I have got a list of them here, ten of them? Any of these children married? A Yes, sir, there is two of them married? A Ulysses married? A Yes, sir.
Q George married? A No, sir, he isn't married.
Q Is Ellen married? A It is Keller isn't it.
Q Who is Ellen? A That is my wife, me and her downt live together now; I have got the seal here some place (hands Commissioner paper.)
Q Eight children and here;is that right? A Yes, sir, right on here, that oldest one isn't on there.
Q George the oldest one here? A Yes, sir.
Q Is he 20? A Yes, sir.
Q Keller the next? A Yes, sir.
Q He 18? A Yes, sir.
Q Laura the next? A Yes, sir.
Q Laura 15? A Yes, sir.
Q Maria the next? A Yes, sir.
Q She 12? A Yes, sir.
Q The next one John? A Yes, sir, John Noble.
Q He is ten is he? A Yes, sir.
Q The next Evaline? A Yes, sir.
Q She eight? A Yes, sir.
Q The next Emmet? A Yes, sir.
Q He six? A Yes, sir.
Q What is the next one, Shannon? A No, sir, Sherman.
Q How old is Cherman, four? A Yes, sir.
Q These children all living at this time? A Yes, sir.
Q All living with you? A Yes, sir, they live with me when I am here, they stay backwards and forwards.
Q They are all alive, are they? A Yes, sir.
Q What is the mother's name of these children? A Her name is Ellen.
Q You and her not living together? A No, sir.
Q All these children living with your wife? A They stay backwards and forwards with me and her, they stay with me most of the time.
Q You and your wife separated? A Yes, sir.
Q She raised them and attends to them all the time? A Yes, sir, when they are with her.
Q Aren't they with her most of the time? A No, sir.
Q Are you a bachelor? A Yes, sir.
Q Who are you living with? A Nobody.
Q Keeping these children by yourself? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.
Q Has she applied here to be enrolled? A I don't know whether

she has yet.

Mr. Mellette: Who keeps the children? A Why I keep them and she keeps them sometimes.

Q Where is your wife? A She is here

Q Dave, who was your father? A Wash Nave.

Q Who was your mother? A Maria Nave.

Q When were you born, before the war or after the war?

A Before the war.

Q Where were you born? A Well, I don't know where I was born, in Flint I guess.

Q Can you remember anything before the war? A Oh yes sir.

Q Now were you a slave? A Yes, sir.

Q Who was your master? A I didn't have no master.

Q Who was your mistress? A I belonged to the Widow Jane Pack.

Q Did your mother belong to her? A Yes, sir.

Q Where did you go during the war? A Went to Kansas.

Q Did you come back to this country? A Yes, sir.

Q Are you a brother of Wash Nave, Jr., who applied this morning?

A Yes, sir.

Q Do you remember coming back from Kansas? A Yes, sir.

Q Who did you come with? A I came with My father and mother and Dave French and Eph Bearden and his wife.

Q What about your brothers? A And Rube and Wash and George.

Q Are you the Dave Nave that is mentioned in the testimony in the Wash Nave case? A Yes, sir.

Q As the child of Maria and Wash, Sr.? A Yes, sir.

Q Where have you lived since you came back to the Cherokee Nation with your father and mother? A I have lived in the Cherokee Nation.

Q Did you ever live out of it since then? A No, sir.

Q Were you ever tried in the Cherokee Courts? A Yes, sir.

Q For an offense against the laws of the Cherokee Nation? A Yes, sir

Q What was done with you? A I was prosecuted and convicted and sentenced and made to pay a fine, I was to take six months in the penitentiary at Tahlequah or pay a fine and the costs of the Court.

Q What did you do? A I paid the fine.

Q How much? A $58.

Q What offense was that? A That was for allowing a white man to work on my place without a permit.

Q What Court was that? A Claremore Court, Cherokee Nation.

Q You have been here always, have you? A Yes, sir, ever since I returned back.

Mr. Hastings: When was that you were tried? A Since 1880 or before? A I think it was in '91.

Q Since the 1880 roll was made? A Yes, sir, since the 1880 roll was made.

Q Your wife is on the 1880 roll? A Yes, sir, I wasn't home when the census takers came and took the 1880 roll; I was enrolled afterwards at Tahlequah.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Commissioner: Who is Susie Goody? A I don't know her.

Q Who is George Nave? A This George Nave here.

Mr. Mellette: Did you draw your money? A Yes, sir, I was enrolled in this district.

Commissioner: Did you draw strip money for these children? A Yes, sir.

Q You drew for all of them? A No, sir.

Q Did you draw for any of these children? A Yes, sir.

Q Which ones? A They all wasn't old enough and forget now which; they are on the roll, them I drawed for.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 1 1901

Dave Nave - 2.

The Kern-Clifton roll examiner has the applicant identified thereon, page 186, No. 3843, Saline district, as Dave Nave. The Wallace roll examined and the applicant identified thereon, page 152, No. 8785, Coowescoowee district.

Mr. Mellette: I would like to have the 1894 roll of Tenkiller citizens of the Cherokee Nation examined. I have a certificate from the executive office showing that the name of this applicant appears upon the citizen freedman roll of Coowescoowee district for the year 1894.

Mr. Mellette: Did you draw strip money with the Cherokees? A No, sir, that came off the roll at Tahlequah, it came out the Executive Office, off the citizen roll.

Mr. Mellette: I ask to file this certificate dated then.

Commissioner: The application for enrollment of Dave Nave, marked Exhibit A.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the filing of the certificate for the reason that the roll as taken in 1896 was corrected and the 1894 roll of 1880 was made therefrom, which roll is in the possession of the Commission.

Commissioner: The roll referred to was taken out of the hands of the Commission by an officer of the Cherokee Nation, one Joe M. Lahay, and he hasn't returned the same, after repeated requests by the Commission to do so.

Mr. Mellette: I want reference made to the case of Wash Nave, I-815.

Counsel for: The application for the enrollment of the children is withdrawn.

Commissioner: Dave Nave applies for the enrollment of himself. He cannot be identified upon the Dawes roll of 1880 or the census roll of 1896, but he is fully identified upon the Kern-Clifton roll and the Wallace roll. He avers that he is the brother of Wash Nave, who has been listed for enrollment on a card 815. The testimony taken in the case of the said Wash Nave, his brother, will be made part of the record in the case at bar, and a copy thereof filed herewith. Said Dave Nave will be duly listed for enrollment as a Cherokee freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

****

Bruce C. Jones, being duly sworn, says that he stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings on testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

The Kern-Clifton roll examined, and the applicant identified thereon, page 156, No. 5849, Saline district, as Dave Nave.
The Wallace roll examined and the applicant identified thereon, page 132, No. 2765, Cooweescoowee district.

Mr. Mellette: I would like to have the 1894 roll of Freedmen citizens of the Cherokee Nation examined. I have a certificate from the executive office showing that the name of this applicant appears upon the citizen freedman roll of Cooweescoowee district for the year 1894.

Mr. Mellette: Did you draw strip money with the Cherokees? A No, sir, that came off the roll at Tahlequah, it came out the Executive Office, off the citizen roll.

Mr. Mellette: I ask to file this certificate filed then.

Commissioner: The applicant presents a certificate, marked Exhibit A,

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the filing of the certificate for the reason that the roll as taken in 1893 was corrected ~~as~~ and the pay-roll of 1894 was made therefrom, which roll is in the possession of the Commission.

Commissioner: The roll referred to was taken out of the hands of the Commission by an officer of the Cherokee Nation, one Joe M. Lahay, and he hasn't returned the same, after repeated requests by the Commission to do so.

Mr. Mellette: I want reference made to the case of Wash Nave, D-815.

Commissioner: The application for the enrollment of the children is withdrawn.

Commissioner. Dave Nave applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is fully identified upon the Kern-Clifton roll and the Wallace roll. He avers that he was the slave of one Jane Pack. He avers that he is the brother of Wash Nave, who has been listed for enrollment on D card 815. The testimony taken in the case of the said Wash Nave, his brother, will be made part of the record in the case at bar, and a copy thereof filed herewith. Said Dave Nave will be duly listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 1 1901

he is the brother of Wash Nave, who has this day been listed for enrollment on D card 818, and the testimony taken in the matter of the enrollment of said Wash Nave will be made part of the record in the case at bar, and a copy thereof will be filed herewith, and the said Reuben Nave will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail at his postoffice address of the decision of the Commission in the premises.

Mr. Hastings: Did you ever see your mistress since the war? A No, sir.

Q You don't know whether she lived in the Cherokee Nation since the war? A No, sir.

Q Never heard of her? A I heard she was dead, died time of the war.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed to and sworn before me this the 1st of July, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Reuben Nave for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Reuben Nave, being duly sworn and examinedby Commissioner Needles, testified as follows:

Q What is your name? A Reuben Nave.
Q How old are you? A I am about 45, nearabout.
Q What is your post office address? A Chouteau.
Q What district do you live in? A Saline district.
Q Do you a ply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
Q Does your name appear upon any of the rolls of the Cherokee Nation
A Yes, sir, I suppose so.
Q What rolls? A The K.C. and Wallace.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 155, No. 3847, Tahlequah district, as Reulon Nave.

The Wallace roll examined and the applicant identified thereon page 152, No. 2768, Saline district.

Q You born in the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Married? A No, sir. I have been married but I am not now.
Mr. Mellette: Who is your father? A Wash Nave.
Q Who was your mother? A Maria Nave.
Q Do you remember where you were during the war? A Yes, sir.
Q Where? A You mean where we went during the war?
Q Yes. A Kansas.
Q Were you born a slave? A Yes, sir.
Q Who was your mistress or master? A Jane Pack was my mistress.
Q Who did you go to Kansas with during the war? A Well, with My father and father as I can recollect, as my brothers.
Q Well, your mother was who? A Maria Nave.
Q And your father Wash? A Yes, sir.
Q Now do you remember coming back to this country after the war?
A Yes, sir.
Q Who did you come with? A I came with my mother and father and brothers and Uncle Dave.
Q Dave who? A Dave French.
Q Are you the Reuben Nave mentioned in the testimony of Wash Nave, who applied for enrollment this morning? A Yes, sir.
Q Is Wash Nave your brother? A Yes, sir.
Q Where have you lived since you returned to the Cherokee Nation after the war? A I have lived in Saline district.
Q You have lived in the Cherokee Nation then? A Yes, sir.
Q Never lived out of it? A No, sir, never lived out of it.

Commissioner: Reuben Nave applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kern-Clifton and the Wallace roll, according to page and number of the rolls as recited in the testimony. He avers that he was a slave, and was taken out of the Cherokee Nation during the war, and returned in the year 1866. He avers that

he is the brother of Wash Nave, who has this day been listed for enrollment on D card 815, and the testimony taken in the matter of the enrollment of said Wash Nave will be made part of the record in the case at bar, and a copy thereof will be filed herewith, and the said Reuben Nave will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail at his postoffice address of the decision of the Commission in the premises.

Mr. Hastings: Did you ever see your mistress since the war? A No, sir.
Q You don't know whether she lived in the Cherokee Nation since the war? A No, sir.
Q Never heard of her? A I heard she was dead, died time of the war.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 1 1901

Needles, testified as follows:

Mr. Mellette: What is your name? A Wash Nave.

Q Are you the Wash Nave who applied for enrollment this morning?
A Yes, sir.
Q In your testimony you mentioned a brother, George Nave?
Q Yes, sir.
Q Is this applicant here the George Nave you mentioned in your testimony as being your brother? A That is the George Nave, that very fellow right there, that is him.
Q What age was he went you came from Kansas? A He was very small.
Q What age would you take him to be then? A He was about 3 or 4 years old, I can't tell just exactly his age.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 1st day of July, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of George F. Nave for the enrollment of himself and one child as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

George F. Nave, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George F. Nave.
Q What is your age? A I am 37 years old.
Q What is your post office? A Tahlequah.
Q What district do you live in? A I live in Cooweescoowee, butI am at Tahlequah now.
Q You apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Who do you want to enroll besides yourself? A My baby.
Q What is your baby's name? A Peggy.
Q How old is Peggy? A Peggy is eight months old.
Q Are you married? A No, sir, my wife is dead.
Q What was her name? A Emma Hudson.
Q Is she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A Yes, sir. (hands Commissioner paper.)

Mr. Mellette: Where have you lived since you can recollect?

A Lived in the Cherokee Nation, never lived anywhere else.
Q Who was your father? A Wash Nave.
Q Who was your mother? A Maria Nave.
Q Are you a brother of Wash Nave, Jr., who applied for enrollment this morning? A Yes, sir.
Q Are you the George Nave mentioned in the testimony in his case?
Q Yes, sir.
Q Never lived out of the Cherokee Nation since you can remember?
A Never did.
Q Are you now in the employ of the Cherokee Nation? A Yes,sir.
Q In what capacity? A I am superintendent of the boarding school known as the Colored High School at Tahlequah

Commissioner: Is your name on the roll of 1880? A I think not, I suppose not.

Q On the Kern-Clifton roll? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant George F. Nave not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant George F. Nave not identified thereon.

The Kern-Clifton roll examined and the applicant George F. Nave identified thereon, page 150, No. 3851, Saline district, as George Nave.

The Wallace roll examined and the applicant George F. Nave identified thereon, page 132, No. 2773, Saline district, as George Nave, 22 years of age.

The 1880 authenticated roll of Cherokee Freedmen examined and the mother of the applicant, Peggy Nave, identified thereon, page 538, No. 831, Illinois district, as Emma Hudson.

Mr. Hastings: When were you employed as superintendent of this Colored High School; was it since the Kern-Clifton roll was made?

A Yes, sir.

Commissioner: This child living at this time, Peggy? A Yes, sir

Commissioner: George F. Nave applies for the enrollment of himself. He cannot be identified upon the authenticated

roll of 1880, but he is duly identified upon the Kern-Clifton roll and the Wallace roll according to page and number as indicated in the testimony. He makes satisfactory proof as to his residence, and he avers that he is the brother of Wash Nave, who has this day been listed for enrollment upon doubtful card D-815, and the testimony taken in said case will be made part of the record in the case at bar and a copy thereof filed herewith. The said George F. Nave will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail at his post office address of the decision of the Commission in the premises.

He applies for the enrollment of his child, Peggy, and makes satisfactory proof as to his marriage to one Emma Hudson, a Cherokee freedman, on the 16th day of December, 1899, and he avers that said Emma Hudson is now deceased; that by said wife he had one child, named Peggy, eight months of age, and he makes satisfactory proof of birth ofsaid child, Peggy. The name of the said Emma Hudson is found upon the authenticated roll of 1880, and she is duly identified, consequently Peggy Nave the child of Emma Hudson will be listed for enrollment as a Cherokee Freedman.

****

Supplemental.

George F. Nave, re alled, testified:

Mr. Mellette: The name of George F. Nave seems to appear upon the Wallace roll, age 32 years; is that your name? A On the Wallace I am just George Nave, there is no F in it; I know the George F. Nave that appears on the Wallace roll; I don't know what the age is that appears on the Wallace roll.

Q Did you give that enrollment? A No, sir, my mother gave it, but I know the names and the reference.

Q Your mother gave your age in to the Wallace Court? A Yes, sir, and at the Clifton Court; I never applied in person before, but the reference I have to the George F. Nave is Dinah Vann's son over there.

Q You give your age here as 37 years? A I am 37 years old, was the 6th day of last month, I was born May 8, 1864.

Mr. Hastings: You were present this morning and heard the testimony in your brother Wash's case? A Yes, sir.

Q You heard Dave French and the other witnesses testify? A I think so.

Q You know you heard it? A I heard a part of it, I was here part of the time, I wasn't here all the time, I didn't hear all of it.

Mr. Hastings: I would like to have the roll clerk say what other names are on there in connection with George Nave on the Wallace roll.

Commissioner:, Upon examination of the roll it is found that the name of Wash Nave appears on the roll with George Nave, 65 years of age; it is found that the George Nave, 22 years of age, is the same George Nave that is enrolled on the Kern-Clifton roll, No. 3838, and that the George Nave that is on the Wallace roll 22 years of age is identified as the George Nave that was on the Kern-Clifton roll that was enrolled as Wash Nave. Wash Nave's fathher appears on the Wallace roll as 2764.

Wash Nave, being duly sworn and examined before Commissioner

Needles, testified as follows:

Mr. Mellette: What is your name? A Wash Nave.

Q Are you the Wash Nave who applied for enrollment this morning?

A Yes, sir.

Q In your testimony you mentioned a brother, George Nave?

Q Yes, sir.

Q Is this applicant here the George Nave you mentioned in your testimony as being your brother? A That is the George Nave, that very fellow right there, that is him.

Q What size was he went you came from Kansas? A He was very small.

Q What age would you take him to be then? A He was about 3 or 4 years old, I can't tell just exactly his age.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 27, 1903.

In the matter of the application of George W. Grayson for enrollment as a Creek freedman.

Appearances and Pleadings:- Applicant by Moffett & Smith.

A Hearing and Decision.

Applicant testified that he was born in the Creek Nation in 1870; that his father was a white man and his mother a Creek freedwoman; that he was enrolled as a freedman by the Dawes Commission; that he has always lived with the Indians and has been recognized as a member of the tribe; that he has never received any allotment of land or money; that he has never been married according to the laws of the Creek Nation, but has lived with Mary Grayson as husband and wife for about twenty years; that Mary Grayson is a freedwoman and was enrolled as such by the Dawes Commission; that she has never received any allotment of land or money; that she is now living with applicant as his wife; that they have two children living, Lucy Grayson, aged about seven years, and Mary Grayson, aged about five years; that applicant's wife and children are enrolled as freedmen by the Dawes Commission; that he has never been married to any woman except Mary Grayson; that he has no children except Lucy and Mary Grayson.

Mr. Smith: In behalf of the Commission to the Five Civilized Tribes I desire to say that we have no objection to the enrollment of the applicant herein and the children mentioned, and recommend that they be enrolled as citizens by blood of the Creek Nation.

The undersigned, to whom was referred the case of George W. Grayson for enrollment as a citizen by blood of the Creek Nation, having heard the testimony adduced at the hearing had in the case, and being fully advised in the premises, finds that the applicant is entitled to be enrolled as a citizen by blood of the Creek Nation, and that his wife Mary Grayson and their children Lucy Grayson and Mary Grayson are entitled to be enrolled as freedmen of the Creek Nation.

It is therefore ordered that the name of George W. Grayson be placed upon the roll of citizens by blood of the Creek Nation, and that the names of Mary Grayson, Lucy Grayson and Mary Grayson be placed upon the roll of freedmen of the Creek Nation.

Tams Bixby,
Commissioner.

Moffett & Smith,
Attorneys for Applicant.

FILED
JUN 23 1902

Cher. Freed. D-822.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of George F. Wave for enrollment as a Cherokee freedman.

Applicant represented by Mellette & Smith-; Cherokee Nation by Hastings and Davenport.

Mr. Smith: The applicant offers in evidence a permit to employ white labor, issued by Joe M. Lahay, Clerk of Cooweescoowee District.

Cherokee Attorneys: Representatives of the Cherokee Nation object to the permit being offered and considered as evidence for the reason that no fraudulent violation of the laws of the Cherokee Nation by one of its officers can in any manner whatever establish citizenship for the party to whom the document is issued.

Mr. Smith: In support of the offer counsel respectfully calls the attention of the Commission to the case of the New York Indians against the United States, recorded in the 170th U.S.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes.

B. A. Pshenbergen.

Subscribed and sworn to before me this 16th day of June, 1902.

H. L. Ruter

Notary Public.

Personally appeared before me H. C. Ross, judge of the District Court of Saline District, Cherokee Nation, J. M. Ross, who after being duly sworn deposeth and seth, that he is a Cherokee by blood and a citizen of the Cherokee Nation, and that before the he was acquainted with Wash Nave, who was a slave of Mrs. Alex Nave, who was a Cherokee Indian by blood and lived in Flint District, Cherokee Nation, and that about the 14th day of February, 1867, he started from the Grand Saline (Saline Dist C. N.) to go to Fort Gibson in a waggon the first day he went as far as Arch Bolens place on Fourteen Mile Creek C. N. that Night it rained and he slept in the House- and Wash Nave was there he said that he had been working in bottom do not remember when he said he had returned to the Nation. the next day he went on Fort Gibson and that night sum one stole one of his mules that he was working and that is the reason that he remembers the first Time that he saw Wash Nave after the war.

J. M. Ross

I hereby certifythat the above affidavit was subscribed and sworn to this the 23rd Day of June A. D. 1896

H. C. Ross
Judge Saline Dist. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee Freedmen D 815.

Commissioner.

EXECUTIVE DEPARTMENT,

CHEROKEE NATION.

To Whom it May Concern:

This is to certify that the following named persons_____

Dave Nave, Ellen Nave, Eulyses Nave, George Nave, Challa Nave, Laura Nave, Mariah Nave, John Noble Nave and Everline Nave appear upon the Citizen Freedmen roll of Cooweescoowee Dist. for the year 1894 as citizens of the Cherokee Nation.

this the 22" day of November 1894 (seal)

W H Mayes
Asst. Executive Secretary.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee Freedmen D 821.

Commissioner.

(Act of November 5th, 1892.)

SERIES A.

No. 1216 Cherokee Nation, Cooweescoowee District.

Permission is hereby granted G. F. Nave a citizen of the Cherokee Nation, to employ Wm Storey as a farmer for the term of One Month from this date.

"No permit shall issue for a longer period than Dec. 31 of the year in which the permit is issued."

Given under my hand and seal of office, this the 1" day of Feb 1894

5 0 C E N T S

Joe M Lahay
Clerk Cooweescoowee District.

Countersigned:

E. E. Starr
Treasurer Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that he above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee Freedmen D 822.

Commissioner.

F I L E D
Sep 18 1899
Jas. A. Winston
Clerk

M A R R I A G E L I C E N S E

United States of America,)
Indian Territory, (SS. No. 241
Northern District.)

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. George F. Nave, of Tahlequah, in the Indian Territory, aged 35 years, and Miss Emma Hudson, of Ft. Gibson, in the Indian Territory, aged 21 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, Indian Territory, this 15th day of September, A. D. 1899

Jas A Winston
Clerk of the U. S. Court.

(s e a l)

By_____Deputy.

CERTIFICATE OF MARRIAGE

United States of America,)
Indian Territory, (SS.
Northern District.)

I, Rev. Samuel Solomon, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 16 day of September A. D. 1899, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 16th day of September A. D. 1899

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 7

Rev Samuel Solomon
A Minister of the Gospel.

CERTIFICATE OF RECORD

United States of America,)
Indian Territory, (SS.
Northern District.)

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 18

day of Sep 1899, at.....M., and duly recorded in Book H, Marriage Record, Page 308

WITNESS my hand and seal of said Court at Muscogee, in said Territory this 19 day of Sept A. D. 1899.

Jas. A. Winston. Clerk.

By_____Deputy.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., August 7, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of the application for enrollment of Cherokee Freedmen D 823.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al.,....	Cherokee	Freedmen	D 813
George Starr, Jr.,.....	"	"	D 867
Jane Kernel,.....	"	"	D 856
Wash Nave, Jr.,.....	"	"	D 815
Dave Nave,.....	"	"	D 821
Reuben Nave,.....	"	"	D 822
George F. Nave,.....	"	"	D 823

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr, Jr., for himself; by Jane Kernel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kernel, Wash Nave, Jr., Dave Nave and Reuben Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all of the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr, Jr., Jane Kernel, Wash Nave, Jr., Dave Nave, Reuben Nave and George P. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR - 5 1904

DEPARTMENT OF THE INTERIOR.
COMMISSION TO [illegible]

FILED
OCT 12 1901

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BREVARDOE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, _____, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

_____

Clerk Cherokee Freedmen

C. D. 813.

INDIAN TERRITORY.
CHEROKEE Nation.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901

Marshal for the Cherokee Nation

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 1901

Attorney for applicant

UNITED STATES OF AMERICA, }
INDIAN TERRITORY } ss.
NORTHERN DISTRICT }

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me

this day of A. D. 1901

Notary Public

My commission expires

FILED
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of [illegible]

for enrollment as Cherokee citizens

Case No. D [illegible]

To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

[illegible]

[illegible]

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Kernal, Wash Nave, Dave Nave, Reuber Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-24.

Register.

Cherokee Freedmen
B 613, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernal, and Wash, Jr., Dave, Reuben, and George F. Nave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-23

Chairman.

Cherokee Freedmen

D-813 .

Muskogee, Indian Territory, June 30, 1904.

George Starr,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your minor child, Arthur Starr, as Cherokee Freedmen.

Respectfully,

Enc. L.-17.

Register.

Commissioner in Charge.

Cher Fr 1359

Transferred from CFD 856

See Cher Fr 1358 + 1360 thru 1364

Cher Fr 1359

35856

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Jane Kernel for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Chouteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what partof the Cherokee nation?
A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee nation? A Yes sir.
Q Did you belong at that time to this ~~xxx~~ Mary Nave? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Starr-Clifton money? A No sir.
Q Your name is ~~xx~~ not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee nation examined and applicant identified on
page 106 #2260 Jane Colonel, Saline District;
1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There were several of them, the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back were until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.
Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.

Q Who did you go with down there? A With my brother and sister, my brother Dave and sister Eveline.
Q Eveline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kemel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband went on to the Creek nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was goingon.
Q He was a citizen of the Creek nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation? A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A We stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept home in the Cherokee nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Vann.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we came back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you got there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.
Q You had known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died,

in the Creek Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Saline.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R MEEDLES:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You know old Abe Kernel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. WASTURD:

Q ~~Xxxx xxx xxx~~ I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Evaline Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '66.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Pryor's Creek? A We just ~~xxx~~ camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martin Vann place in Saline? A Went to 14 Mile Creek awhile and then came to the Martin Vann place.
Q Who did you stay on 14 Mile Creek? A I went to see that that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martin Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in our houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Meedles, testified as follows:

BY M. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant, A Yes sir.
Q Is she or is she not the same Jane Kernel that you referred to in your testimony in the George Starr case? A Yes sir, she is the

same woman.

BY MR. HASTINGS:

Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will have put it on the record and get it all right, I have got to get it in every case you know, you people must understand that? A A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Evaline and the next one was named Jane, Jane Nave and Evaline Nave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden.
Q Who else? A Her husband, Aph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Harlin place, on Pryor Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Harlin place on Pryor Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know, she was married, I think she may have been married, I don't know whether she was married there or in Kansas in Kansas I guess.
Q What was her husband's name? A Ned Kernel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek nation and stayed there three or four years and her husband died, and we went and moved over Creek and she has been there ever since.
Q She stayed with her husband in the Creek nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, some time in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a man named Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war, A Yes sir.
Q You can't say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:
Q Who was it you say came at the same time that Jane came? A Me and my brother and his children, and this woman that was here this morning, Abbie, andher husband, I don't recollect how many was along, it has been so long I can't think.
Q You remember whether George Starr was along? A George Starr was along with us.
Q Where did you first come to, what point in the Cherokee Nation? A We first struck the Cherokee Nation down below Chetopa.
Q I mean where did you come to? A Timberred Hill.
Q What time of the year did you say that was? A That was in the first part of the summer, springlike, I don't know what month it was.
Q Of what year? A '66.
BY MR. HASTINGS:
Q How far was Timberred Hill from Chetopa? A I don't recollect, it is below Chetopa.
Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.
Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.
Q How far is Timberred Hill from the line? A I don't know how far it is, it is a piece from the line though.
Q Good piece? A I ~~wouldn't say~~ don't say a god piece, it is a piece though.
Q You know how far it was from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know ~~how~~ exactly how far it is.
Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.
Q Did you come through Chetopa? A I guess we did, I think we did anyway.
Q That is your best judgment? A Yes sir.
You know what sized place it was? A I don't know, didn't take no notice.
Q About how many stores there? A I don't know, I didn't look.
Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.
Q You don't know what sized place it was? A I don't, I ~~do~~ know it was Chetopa, small town, I don't know how large.
Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the nation and stopped.

Com'r Geddes: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Dawes-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee nation during the war, and returnedin '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mallette & Smith, and asks that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 813, be made a part of the record in the case at bar, sare will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

---oooo---

Jane Kernel 6

M.D.Greenbeing first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 8,1901.

Commissioner.

(D) 10856

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 25 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901

Post Office Chouteau I.T.

District Coo

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Jane Kennel Age 67

Owner's name Mary Nave Citizenship Cherokee

Year Wallace Page 106 No. 2760 District Saline

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist
9.	Year	Page	No.	Dist.
10	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by

Stenographer

Referred to by Mellett

X 608 =

DEPARTMENT OF
COMMISSION TO THE FIVE CIVILIZED

FILED
AUG 28 1901

To be filed in the case of Jane Kernel, CFD-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T.B.Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W.W.Hastings, Cherokee representative.

By Com'r Needles,
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q Whatis hisname? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette-
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you owna place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q Whatis its name? A George.
Q How old is he? A 26 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas withhim and came back withhim.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him
Q Where were you married, in Kansas? A No sir.
Q Whatis your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.

Q Who else was with him? A His sister Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many childrendid Dave French have with him at that time? A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back withhis sisters the time you come? A He mde 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn'the? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not muchof a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come throughParker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loodey's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Loody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have anychildren? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q Youmde a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Thenhe didn't testfy? A No sit.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr Creek, how long did you stay there? A First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile creek? A Mose Nave place.
Q How long did you stay onthe Mose Nave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Mose Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 mile creek? A Yes sir.
Q Did Mose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.

Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I th ink he rented a few acres from Arch Voland.
Q How long did you stay there? A. A year ot two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there aftet the war? A I think it was in '87.
Q You didn't work there in 87.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldeest child, George Starr, Jr., where was he born? A On Lightning Creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first li e in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Cal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loodey's.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you l ive from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make ~~x place~~ that pla ce? A 16 years ago.
Q ~~How far was that from Jack Landrum's? A 4 or 5 miles.~~

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of thischild whom you desire to have enrolled? A Yes sir.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.

Q How long did you live with her?A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been10 or 11 years.

By the Commissione
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was hermaiden name?A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and thename of the applic ant and his son identified thereon as follows-
Page 148 No. 3661, George Starr, Cooweescoowee district;
Page 148 No. 3662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
Page 140 No. 2940, George Starr, Cooweescoowee district.
Page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q Whatis your name?A Dave French.
Q What is your age?A 72.
Q Where do you live? A Down on Verdigris river, in Gooseneck Bend, this side.
Q In the Cherokee nation?A Yes sir.
Q Are you a recognized Cherokee freedman?A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave?A Yes sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war?A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come withme.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war, A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes sir.
Q Did hecome with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have yourfamily with you then? A No sir.
Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with uncle Billy Loodey? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission? A No sir.
Q You had been down here before you brought him had you? A Yessir.
Q How many trips had you made before you brought him? A I dont know.
Q Had you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.

Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring on '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who wasit brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in 67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who els was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her child dren with her? A Yes sir.
A How many? A I dont remember.
Q You dont remember your wife's children that were along withher?
A I dont remember I guess she had them all..
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa,
Q Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the oldest child born? A O[H] Sallisaw, in Fliht.
Q Where was th youngest one by that wife born? A In the spring on '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q ~~What did this manpay you for hauling him down? A I dont know.~~
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho falls
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn,t measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Natin were you? A Yes sir I was hauling people back home, that was my business up there.

Q How long did you stay with your wife when you took her back to Fort Scott?A I dont know.
Q You knew more about this fellow than you did about your wife?
A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there?
A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time?A I dont know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lived on Lightning Creek.
Q How long has he beenliving on Lightning creek? A I dont know.

By Mellette:
Q When you brought this applicant George Starr, who of the Naves came with you?A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come withyou? A No sir they came before that in the spring and were on 14 mile creek then.

* * * * * * * * * * * * * * *

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

(signed)T.B.Needles,
Commissioner.

* * * * * * *

CONTINUED,- former portion of this case taken by stenog.C.vonWeise:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22,1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee Nation.

BY MR. MELLETTE:
Q What is your name?A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizenof the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war?A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never

saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been thatthey were said to have beenmarried? A It has been about, my judgment about 30 years.
BY MR. HASTINGS:
Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived withher father an mother.
Q On Pryor's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69L
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved awayin '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year ot so I guess.
Q When did you see them living together as man and wife after that A I saw themoften and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave ~~Rusk~~ French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where youlived at that time? A I was staying there withmy father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were youliving at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

8

George Starr et al R

BY MR. HASTINGS:

Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Clerk Notes: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 12 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, asaid George Starr and child Arthur will now be listedfor enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office adress when it is arrived at.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings inthis case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this July 1sy, 1901.

(signed)T.B.Needles,
Commissioner.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this August 26th, 1901.

Commissioner.

COMMISSION TO
FILED
JUL 1962

Q Where is the original [illegible] I don't know.

Q Who is the custodian of [illegible] A [illegible] it belongs to the Executive Department of the Caroline Mission, and the executive, the chief, is T. M. Wuritsh, [illegible] secretaries are T. T. Parks, A. L. Cunningham, [illegible]. Perhaps I supplied all the official quotations of those records, and they, at the request of the chief, gave those records to me attorneys, representing the Mission.

Q And you don't know anything at all about the records; you don't know who made this or why; you don't know from what date it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. MARTIN: The counsel for the applicant objects to the offer of this record; it is not properly proven, because it is not shown upon what the entry is based, nuless one can come from the person who wrote the entry or the maker himself.

MR. JUSTICE: I am at this time inclined to think whenever a clerk of the court would die and records were left, they would be utilized into the middle of the ages or [illegible], because it could be proven just because the man who made it wasn't there to verify it.

MR. CLARK: The custodian of it could prove that.

MR. MARTIN: The present custodian of this record-

MR. MARTIN: The [illegible] objects [illegible] of the above entries because [illegible] offered in the best evidence, the [illegible] your evidence of the entry, and [illegible] of the maker of it.

COMMISSION: [illegible]

To be filed with Jane Kernel Nr. D-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 43 or 4.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their name? A Dave, Reuben and George.
Q How do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist, 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Wash Nave Jr. 2

Q When you came back from Kansas after the war do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place, Bill Loody was living on the Tom Rider place at the time swe stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 43 or 4., I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did there was one family come with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, hex is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.Q You remember whether there was any one with Dave or not? A He was withus.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there xxx quite a little bit.

Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand River.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lunch's prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night of two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wgaoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We come up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?
A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 pm/

1 pm.- This case continued; applicant on the stand,- examined
BY MR. HASTINGS:
Q You remember about your father toing down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir.
Q How what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.

Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I came with them.
Q You are a- old man Wash gave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Leedy was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand river, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant? No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Cooweescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since your brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Leedy's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave Sr., this man's father, die?
A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewheres, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the ~~Skinner~~ first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the wain backwards and forwards.
Q How many wagon trips did you make to Kansas during '66? A I don't know.

Q Let's study them up? I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I came back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q How after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case awhile ago that you hauled her up there in August '68 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? Yes sir.
Q How what time did you bring Wash down here? A I aint certain.
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q How the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little north-east of Chouteau.
Q Was there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Loody's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '69 and along in there.
Q You didn't stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 33.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time? A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed awhile, visiting along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time? A No I don't remember seeing them.
Q You think that was in the early Spring? A That was in April I am sure it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place? A Yes, sir, they had a wagon and stayed there in the wagon and went of in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.
Q You knew whether they made a crop that spring? A No sir,
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann?
Q Wash Nave? A Yes sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there's another one.
Q You know his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in Wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them? A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known then from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there? A I come that spring.
Q You came the same spring? A Yes sir.
BY MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5 ~~xx~~ maybe 6 years old, I don't know, he was very small.
Q That was your judgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Mayes in that in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't r emember seeing them after that for sometime? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission? A No sir, I didn't, because you had me subpoenaed on the oter side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being s worn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Cooweescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes sir.
Q Do you know this applicant, Wash Nave Jr. A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft. Scott Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river was that? A East side.
Q How did you happen to see them there? They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in

Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick.
Q You were one of the Census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them at your store there after the war? A In '66.

BY MR. HASTINGS:

Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir.
And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars apiece? A YEs sir.

BY MR. MELLETTE:

Q Mr. Foreman, was money that the Representative of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.

BY MR. HASTINGS:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand river.

Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called, and further examined;

BY COM'R NEEDLES:
Q When did your father, Wash, die? A He died in February, (91, about the 18th or 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died 2 years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.
BY MR. HASTINGS:
Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were ~~xixx~~ slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

----oooo----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green
Subscribed and sworn to before me this July 1st, 1901.
(Signed) T. B. Needles
Commissioner.

S U P P L E M E N T A L T E S T I M O N Y .

F.-D.#815.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of applicant:

APPEARANCES:
L. T. Brown, for Applicant.
J. S. Davenport, for Cher. Nation.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name. A L. D. Daniels.
Q Your age? A 56.
Q Your post office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes sir.

Q Do you know Wash Nave, Jr. A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man Was Nave.
Q That was Wash Nave, Jr.'s father was it? A Yes, sir.
Q What was Wash Nave, Jr.'s, mother's name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes sir.
Q Did you see him at that tme? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get some thing to eat he had to bring hisf amily.
Q That was in December, '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time?
A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R Needles:

Q How do you re collect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December, '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the count ry to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek because Stevens never brought your pony back?
A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No sir.
Q You never seen him until he come to Gibson?
A Yes, sir, and when he returned to get his folks and come back and old man Stevens come with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him?
A Yes, sir; I didn't have any way to keep it in my head and I and I remember it.

----oooo----

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant:
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commission Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.
Q How old are you? A I am 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '65.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q Did you know him after the war? A Yes, sir.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.
Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember? A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Old Aunt Mary Nave, my father's sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes sir.
Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.
Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aaunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes I guess I would.
Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came withthem.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.
Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.
Q They been living here in the Cherokee Nation ever since you first knew them, havan't they? A Yes, sir.
Q Did you ever testify before any other court than this Court in this case? A Yes, sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.
Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.
Q I say that didn't have anything to do with where they came from? A No, sir.
Q Do you know a man named George Vann? A Yes/
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?
Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.
Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.
Q Was he around Vann's a good deal? people there? A Yes he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while
Q Short while after the war? A Yes, sir.
Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say,
Q Where was he during the year of '67, if you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No, sir.
Q When did you first see him after the war? A I can't say when positive, when I saw him.
Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point, do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H. C. Ross, Judge Henry Ross? A I think they were cousins.

Q Are you acquainted with the hand-writing of J. M. Ross? A No, sir.
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month, or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67?
A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been there ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

Taking of testimony continued by Stenographer J. O. Rosson.

6666666666666666

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(Signed) T. B. Needles
Commissioner.

October 21st, 1901.

WASH NAVE, JR., taking of testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whether or not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was living there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir, I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand River?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that Commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the first time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish George here, we used to call him George Springcreel, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places;
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:
MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Mave's family with reference to the time he came there, which came first, do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Mave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some time during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year '66? A It was as near as I remember in the fall.
Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile Creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, now, how long after you moved down here before you saw Wash?
A Well, as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S.H.Mayes and his family moved back from Texas? A Yes, sir.

MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't by certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

----ooooOOOOoooo----

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson

Subscribed and sworn to before me this November 11th, 1901.

(Signed) T. B. Needles
Commissioner.

----ooooOOOOoooo----

File with Cherokee Freedman D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.

Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir; he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his tenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

F. D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No. 80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation. (Before the Commission on Citizenship July 13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witness were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.
Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and D. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.
Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention by true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record-

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

Seal

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy and that the same is a true and correct copy of the original testimony.

H M Vance

Subscribed and sworn to before me this 25th day of July, 1902.

Bruce E. Jones
Notary Public.

DEPAR
COMMISSIO
VIERI H,
ZED TRIBES
SEP 30 1911
ACTING

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREVARD.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 6, 1901

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of [illegible] for enrollment as Cherokee Freedmen.

Mallette & Swearingen.

Cherokee Freedmen

File with June Kennedy C. F. D. 866.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. F. D.813.
SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation—
(By Mr. Bell)
Q Your name? A George Musgrove.
Q Your age? A About 65,
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave?
A Yes sir.
Q How long have you known him? A Got acquainted with him —let me see——let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1868,where did you live? A I lived on Virdigris, on Gooseneck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and th next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.
(By Smith)
Q When was it you say you went to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '68 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q Did you come by Vinita? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I rode along the mail road.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go back, back to where you were living? A I went back to Gooseneck Bend.
Q How much did you come to Vinita on that trip? A About 30 miles I

guess,near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there,I staid all night with him
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '68? A No sir.
Q You just know that you didn't see him at Mose Naves? A No sir I didn't see him there.
Q Where were you during the year '68? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule,the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Mose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time,be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it .
Q What made you say '69 if you didn't know? A A man sometimes forgets dates
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said—I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brunnell a
Q fellow around here like he dont know nothing.

= = = =

This will be filed in Cherokee Freedman Doubtful cases,D-813; D-856 and D-857.

***

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 25th of October, 1901.

C. R. Breckinridge
Commissioner.

F. D-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1902.

In the matter of the application of Jane Kennal for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-856.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 815 be filed with and made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 24 day of July, 1902.

(Seal)

H. T. Reuter
Notary Public.

F2806

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellete & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jane Kernal, D 856;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in whihh to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al.,....	Cherokee Freedmen	D	813
George Starr, Jr.,.....	" "	D	847
Jane Kermel,.....	" "	D	856
Wash Nave, Jr.,.....	" "	D	818
Dave Nave,.....	" "	D	821
Reuben Nave,.....	" "	D	822
George F. Nave,.....	" "	D	823

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr, Jr., for himself; by Jane Kermel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kermel, Wash Nave, Jr., Dave Nave and Reub en Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all of the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr, Jr., Jane Kernal, Wash Nave, Jr., Dave Nave, Reuben Nave and George P. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this MAR - 5 1904

32 F-1359

IN RE
THE DEATH OF

Jarod Kemel

a citizen of the

Cherokee Nation.

Approved Oct 8 1904

Commissioner

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Jane Keener
(Here insert name of deceased)

a ~~citizen~~ of the Loudman Cherokee Nation, who formerly resided at or near

Chatuse
(Here insert name of post office) , Ind. Ter., and died on the day of

may , 1902

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Tahlequah District.

I, David Fourch , on oath state that I am 74 years of age and a Loudman , of the Cherokee Nation; that my post office address is Tenaspah
(Here insert name of post office) Ind. Ter.; that I am

brother of Jane Keener
(State relationship as the father, an uncle, a cousin, etc.) (Here insert name of deceased)

who was a ~~citizen, by~~ Loudman of the Cherokee Nation;

and that said Jane Keener died ~~on the day of~~
(Here insert name of deceased)

may , 1902

his
David X Fourch
mark

WITNESSES TO MARK:

(Must be Two Witnesses) Joe N. Price

C. C. Ravenscroft

Subscribed and sworn to before me this 7 day of October 1902

William P. Shaw
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am

years of age, and a citizen, by , of the Nation;

that my post office address is
(Here insert name of post office) Ind. Ter.;

that I was personally acquainted with
(Here insert name of deceased)

who was a citizen by , of the Nation;

and that said died on the day of
(Here insert name of deceased)

, 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190

Notary Public.

C. F. B.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Dugald Webber, et al., as Cherokee Freedmen, consolidating the applications of:

Dugald Webber	Cherokee Freedmen 12
Ibbie Smith	Cherokee Freedmen 198,
Lula Mackey,	Cherokee Freedmen 213,
Luster Foreman	Cherokee Freedmen 405,
Moses Thompson	Cherokee Freedmen 523,
Walter Vann,	Cherokee Freedmen 667,
Fred Vann,	Cherokee Freedmen 847,
Sidney Rogers,	Cherokee Freedmen 965,
Solomon Johnson,	Cherokee Freedmen 1230,
Carrie Mave,	Cherokee Freedmen 1314,
Jane Kernel,	Cherokee Freedmen 1359.

-: D E C I S I O N :-

The records of this Commission show that applications were made to this Commission for the enrollment, as Cherokee Freedmen, of Dugald Webber, Ibbie Smith, Lula Mackey, Luster Foreman, Moses Thompson, Walter Vann, Fred Vann, Sidney Rogers, Solomon Johnson, Carrie Mave and Jane Kernel.

The records further show that on October 3, 1903, this Commission rendered its decision enrolling Solomon Johnson, and on March 5, 1904, its decision enrolling Carrie Mave, as Cherokee Freedmen:

The evidence shows that all the above named applicants died prior to September 1, 1902.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, ordered that the decisions enrolling Solomon Johnson and Carrie Knve as Cherokee freedmen, in so far as they affect the said Solomon Johnson and Carrie Knve, be, and the same are, hereby set aside; and it is further ordered that the applications for the enrollment of Dugald Webber, Ibbie Smith, Lula Mackey, Luster Foreman, Moses Thompson, Walter Vann, Fred Vann, Sidney Rogers, Solomon Johnson, Carrie Knve and Jane Kernel, as Cherokee freedmen, be, and the same are, hereby dismissed, in accordance with the provisions of section twenty-five of the Act above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this MAY 13 1906

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Jane Kennel,
Chouteau, I. T.
Cherokee-F-D-856.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 615, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernal, and Wash, Jr., Dave, Reuben, and George F. Nave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-23

Cherokee Freedmen
D-668.

Muskogee, Indian Territory, June 20, 1906

Jane Kennel,

Okmulgee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-19
Register

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commissioner's decision, dated March 5, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Harnal, Wash Nave, Dave Nave, Reuber Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. 1-24.

Register.

COPY.

Cherokee Freedmen
D-12 et al.

Muskogee, Indian Territory, May 13, 1908.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, dismissing the applications for the enrollment of Dugald Webber et al., as Cherokee freedmen.

Respectfully,

(SED). Tams Bixby.
Chairman.

Inel. L-43.

COPY.

Muskogee, Indian Territory, May 13, 1908.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1908, dismissing the applications for the enrollment of Dugald Webber et al., as Cherokee freedmen.

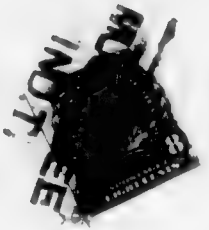
Respectfully,

Tams Bixby.
Chairman.

Incl. L-44.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.





Jane Kennel,

Choteau, Indian Territory.

Cher Fr 1360

Trans from D867

See Cher Fr 1358 + 1359 + 1361 thru 1364

Cher Fr 1360

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 26, 1901.

In the matter of the application of George Starr, jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, for the Cherokee nation.

Q What is your name? A George Starr, jr.
Q How old are you? A 26.
Q What is your post-office address? A Hayden.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll beside yourself? A Nobody.

BY MR. SMITH:

Q Who was your father? A George Starr, Sr.
Q Where does your father, George Starr, live? A On Lightning Creek.
Q Who was your mother? A Malinda Starr.
Q Is she living or dead? A She is dead.
Q How old are you? A I am 26 years old.
Q Where do you live? A I live on Lightning Creek.
Q What is your post-office? A Hayden post-office.
Q How long have you lived on Lightning Creek? A All my life.
Q That's in the Cherokee nation? A Yes sir.
Q How long have you been here before the Commission, on the ground? A I have been here ever since last week.
Q Were you here when your father applied for admission? A Yessir.
Q Is the George Starr who applied for enrollment here before the Commission the same George, is he the George Starr who is your father? A Yes sir.
Q Who do you apply for? A Nobody but myself.
Q Not married? A No sir.

BY MR. HASTINGS:

Q You were born on Big Creek? A No, I was born on Lightning Creek.
Q Who were your neighbors when you first remember? A Jack Landrum. and Lewis Wright.
Q Are you married? A No sir.
Q You are living with your father all the time? A Yes sir.
Q Live with him now? A Yes sir.
Q All the time in the Cherokee Nation? A Yes sir.
Q You have been working some up in Kansas? A I went to school in Kansas.
Q What town? A Parsons.
Q How long did you go to school there? A 8 or 9 months.
Q You worked up there in any other place? A No sir.

BY COM'R NEEDLES:

Q No children? A No sir.
Q You married? A No sir.
Q You ever draw any money? A Yes sir.
Q Draw the Kern-Clifton money? A Yes sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 148 #3663 George Starr, Jr., Coowescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 140 #2941 George Starr, jr., Coowescoowee District.

Com'r Needles: George Starr Jr. applies for the enroll-

ment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the rolls as indicated in the testimony, makes satisfactory proof as to residence, he avers that he is the child of George Starr, who was listed for enrollment on D card 813, and the testimony in the application of said George Starr will be made a part of the record in the case at bar, and a copy thereof filed herewith; said George Starr Jr. will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and he will be notified by mail of the decision of the Commission, in the premises.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 9, 1901.

Commissioner.

B 30867

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 26 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 26, 1901

Post Office Hayden I.T.

District Cov

1. Name George Starr Jr., Age 26

Owner's name Citizenship

Year R.L. Page 148 No. 3663 District Cov

Parents:

Father Geo. Starr — Sr. living Citizenship

Mother Melinda — dead Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

Dorothy

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Self Stenographer W. C. Green

On Wallace roll, Page 46 * 294 — Cov

X Mark

Represented by Mellette and Spurlock.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 3 1901

Acting Chairman

To be filed in the case of George Starr, Jr., CFD-867.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and onechild as Cherokee freedmen; he being sworn by Commissioner T.B.Needles, testified as follows:

Mellette & Smith, applicant's attorneys;
W.W.Hastings, Cherokee representative.

By Com'r Needles:
Q What is your name?A George Starr.
Q What is your age? A 48.
Q Whatis your post-office address? A Hayden.
Q In what district do you live?A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q Whatis his name? A Arthur Starr.
Q How old is he?A 19 years old.

By Mellette
Q Were you a slave in the Cherokee nation at the beginning of the war?A Yes sir.
Q Who were your owners?A Zeek Starr.
Q Was he a Cherokee citizen?A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to?A Kansas.
Q When did you return to the Cherokee nation after the war?A In '66.
Q Where did you first c ome to?A Timber Hill.
Q What time in '66 did you come back?A In the fall.
Q Where did you go to then?A We went thenon Grand river.
Q When did you go there?A The same fall, we only stopped a few days at Timber Hill.
Q Whatplace on Grand river did you stop at then? A Close to Pryor creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two child renof my own.
Q One besides this one? A Yes sir.
Q Whatis its name?A George.
Q How old is he? A 26 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war?A During the war.
Q When did you first see him in Kansas?A I went to Kansas with him
Q Where were you married in Kansas?A No sir.
Q Whatis your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Who married you? A Preacher Nelson.
Q How long ago?A 27 years ago.
Q Was that a colored man or a Cherokee?A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.

Q Who else was with him? A His sister Jenny.
Q Jenny what? A Curnell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I don't know her husband.
Q What kin was she to Dave? A ASister.
Q Was she married then?A I dont think she was.
Q Well who else came? A The Naves.
Q How manyof them, lets have all their names?A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time? A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back withhis sisters the time you come? A He made 2 or 3 trips, and the last time he came with i s sisters.
Q Was that the trip you came on?A Yes sir.
Q If he had a family then it was down he re?A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you c ome? A In the fall, in November.
Q ~~What time~~ Whe re did you first come to? A Timber Hill, and staid there a few days.
Q Is that up ne ar where Chetopa is? A Yes sir.
Q Did you coje through Chetopa as you came down? A It was not much of a place when we come, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come through Parke r? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loody's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir a month or two after that.
Q Where did Billy Loodey live? A On Pryor Creek.
Q Was hea colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You mde a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did youbring Frank Ross there? A I didn't ha e but one witness.
Q Did they take French's statement? A They didn't call him.
Q They you didn't use him?A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor creek for a while you went to 14 Mile creek, how long did you stay there? A First, how long did you stay on Pryor Creek?A We came there in Novemb r and le ft there in December.
Q And then you went to 14 Mile creek? A Yes sir.
Q Whose place on 14 Mile creek? A Mose Nave place.
Q How long did you stay on the Mose N ave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Mose Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee?A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Mose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.

Q Did he have a field there then? A I think he rented a few acres from Arch Voland.
Q How long did you stay there?A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile Creek?A Yes sir.
Q When was the last time you were in Parsons Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 67, '8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your oldest child, George Starr, jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then?A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Cal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loodeys'.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q Howlong did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 16 years ago.
Q How far was thatfrom Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled A Yes sir.
Q Where were youmarried to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate ? A Not of thatmarriage, I have of this last marriage.

Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1891.
Q About how many years? A Must have been 10 or 11 years.

By the Commission;
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880?A I dont know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of theapplicant and his son identified thereon as follows-
Page 148, No. 3661, George Starr, Cooweescoowee District.
Page 148, No. 3662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
Page 140 No. 2940, George Starr, Cooweescoowee District;
Page 140 No. 2942, Arthur Starr " "

DAVE FRENCH, called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q Whatis your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Goose Neck Bend this side.
Q In the Cherokee Nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know thisapplicant? A Yes sir.
Q How long have you known him? A Ever since hew as a boy.
Q Was he a slave? A Yes sir he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come withme.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Loodey lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war? A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come? A Yes sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No sir.
Q Did he haveany familt then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I dont know.
Q You left him with uncle Billy Loodey? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission,
A No sir.
Q You had been down here before you brought him had you?
A Yes sir.
Q How many trips had you made before you brought him? A I dont know.
Q Had you made several? A I dont know, cant tell you.
Q How longwas it until you saw him again after that? A I saw him

several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn,t have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66,
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all,
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Is that all? A Jim.
Q Any one else? A Eli, wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was to youngest one by that wife born? A In the Spring on '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife? A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may be, I dont know as I didn,t measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from

your wife out hunting up Cherokee freedmen and hauling them, free to the Cherokee nation were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You knew more about this fellow than you did about your wife? A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Nave
Q Were you ever there after the war and saw this man there? A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lives on Lightning creek.
Q How long has hebeen living on Lightning creek? A I dont know,

By Mellette-
Q When you brought this applicant Geor e Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave Boys, George, Dave and Ruben come with you? A Nosir they came before that in the spring and were on 14 Mile creek then.

* * * * * * * * * * * * *

Continued by Stenographer M.D.Green, this 22d of June,1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed)Chas.vonWeise.

Subscribed and sworn to before me this the 8th of July, 1901.

(signed)T.B.Needles,
Commissioner.

* * * * * * *

CONTINUED,- former portion of this case taken by stenog.C.vonWeise

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette ' Smith, for theapplicant;
Mr.W.W.Hastings, for the Cherokee Nation.

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known himabout 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of ,66.

Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has thatbeen that they were said to have beenmarried? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:

Q What was her maidenname? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek, when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw?
A Ig uess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have beenlonger.
Q You know thatthat was that year? A Yes sir, I know itw s that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years a go If youhad asked me I would have told you.
Q How far was that from where you lived at that time? A I was stayint there with my father atthat time, we were all st ying there together.
Q What was your father's name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the timethis fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about 5 year s I guess.

8

George Starr et al 2

Applicant, GEORGE STARR, re-called, and further examined;

BY MR. HASTINGS:

Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones; who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address when it is arrived at.

---***---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed)T.B.Needles,
Commissioner.

---*****---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this August 27th, 1901.

Commissioner.

D. 867

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

....

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901
SEP 21 19

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as Cherokee citizens.

Case No. D [illegible]

To [illegible]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

W B Bell

[illegible]

Attorneys for the Cherokee Nation.

COMMISSION
1-2 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 23 1901 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Minnette Smith

Cherokee Freedmen #

1 10.867

File with George Starr Jr., C. F. D. 847

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

In the matter of the application of George Starr, et al., C. F. D.813.
SUPPLEMENTAL TESTIMONY

Appearances:
L. E. Bell for the Cherokee Nation
Mellette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 65,
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Mose Nave? A Yes sir.
Q How long have you known him? A Got acquainted with him --let me see---let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house:
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866,where did you live? A I lived on Virdigris, on Gooseneck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and th next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Mose Nave? A About half a mile.
Q During these two years that lived within half a mile of Mose Nave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then come back home on down Cabin creek.
Q Did you come by Vinita? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I road along the rail road.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go then, back to where you were living? A I went back to Gooseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I

guess,near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there,I staid all night with him
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Mose Naves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.
(By Bell)
Q When you went to hunt your mule,the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Nave? A Yes sir.
Q You was about Fort Gibson in '66 and '7? A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Mose Naves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.
(By Smith)
Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time,be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it .
Q What made you say '69 if you didn't know? A A man sometimes forgets dates
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said—I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brurnell a
Q fellow around here like he dont know nothing.

* * * *

This will be filed in Cherokee Freedmen Doubtful cases,D-813; D-856 and D-867.

***

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 25th of October, 1901.

T. B. Needham

Commissioner.

COMMISSION
AUG 1 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. Starr, Jr., D 867;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment as Cherokee Freedmen, consolidating the applications of

George Starr, et al.,	Cherokee Freedmen	D	813
George Starr, Jr.,	"	" D	867
Jane Kermel,	"	" D	856
Wash Nave, Jr.,	"	" D	815
Dave Nave,	"	" D	821
Reuben Nave,	"	" D	822
George F. Nave,	"	" D	823

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr, Jr., for himself; by Jane Kermel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kermel, Wash Nave, Jr., Dave Nave and Reub en Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all of the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr, Jr., Jane Harmel, Wash Nave, Jr., Dave Nave, Reuben Nave and George P. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breedlove
Commissioner.

W E Stanley
Commissioner.

Muskogee, Indian Territory,
this MAR -5 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 413, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernel, and Wash, Jr., Dave, Reuben, and George F. Rave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-23

Chairman.

Cherokee Freedmen
D-607.

Muskogee, Indian Territory, June 30, 1904

George Starr, Jr.,
Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting, among others, your application for enrollment as a Cherokee freedman.

Respectfully,

Commissioner in Charge.

Enc. L-18.
Register.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 8, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Kornel, Wash Nave, Dave Nave, Reuben Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-24.

Register.

Cher Fr 1361

Trans. from D 815

See Cher Fr 1358 thru 1360; 1362 thru 1364

Cher Fr 1361

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 43 or 4.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, ween I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection? A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter partof it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q How do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not verylarge.
Q Can you give an idea of about how old you were at that time? A I must have been 6 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist, 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back fromKansas after the war do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place, Bill Loody was living on the Tom Rider place at the time swe stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 43 or 4., I don't know just exactly which.
Q You were a small boy then when you returned?A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old?A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just exactly who did there was one family come with us, that I recollect.
Q What was their name?A Epa Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Maria? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time?A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you comefrom?A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection?A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far?A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there?A I don't know just exactly,

we stayed there quite a little bit.
Q A months? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Polen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never travelled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We come up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
Q Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?
A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 pm/

1 pm.- This case continued; applicant on the stand,- examined BY MR. HASTINGS:

Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. HELLETTE:

Q What is your name? A Dave French.
Q Where do you live? A Up close to Goosneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner ~~before the war~~ in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Were were the boys? A They was along.

Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a- old man Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Loody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand river, until she died, there below there.
Q ~~Was this applicant~~ Where has this applicant lived? A They are down there now.
Q This man? A Living there ~~xx~~ now, down on the river there.
Applicant? No.
Witness: ~~He~~ Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Cooweescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since your brought him back here? A No sir, he has never been out to ~~make~~ my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys? A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave ~~xx~~ Sr., this man's father, die? A I don't know what time it was, I don't know. ~~xxxxxxxxxxxxxxxxxxxx~~
Q About how many years after you come back here? A Some where, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come ~~xxxxxxxxxxxxxx~~ from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't ~~xxxxxxx~~ believe it was, no; I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during '66? A I don't know.

Q Let's study them up? I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come backwith first.
Q You don't remember who you came backwith first? A No sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her backup there.
Q You testified in the case awhile ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came backwith Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Navo family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place, A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little north-east of Chouteau.
Q Were there any Cherokees living at the Rider place at that time? A Nobody there but Uncle Billy Loody's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back? A I went back.
Q Next time you saw Wash Navo and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place? A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MILLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war? A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time? A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go? A They went downbelow across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed awhile, visiting along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time? A No I don't remember seeing them.
Q You think that was in the early spring? A That was in April I am sure it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place? A Yes sir, they had a wagon and stayed there in the wagon and went of in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir,
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann? Wash Nave? A Yes sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know any other one? A Well there's another one.
Q You know his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place, A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in Wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them? A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river some where, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there? A I come that spring.
Q You came the same spring? A Yes sir.

BY MR. HASTINGS:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from the house, about a quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.

Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 5 years old, I don't know, he was very small.
Q That was your jusgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Mayes in that in that country over there? A Not in the spring, he was ~~xxxx~~ not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe itwas I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come backthere with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton ~~xxxx~~ Commission? A No sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, You didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes sir.
Q Do you know this applicant, Wash Nave Jr. A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft. Scott Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river wasthat? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '60? A Yes sir, I taken the census in

Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick.
Q You were one of the Census the takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them at your store there after the war? A In '66.
BY MR. HASTINGS:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not ~~positive~~ positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Of '66? A Yes sir.
Q And I moved away from there in September, ~~it was~~
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one time of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars ~~apiece~~ in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars apiece? A Yes sir.
BY MR. MILLETTE:
Q Mr. Foreman, was money that the Representative of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.
BY MR. HASTINGS:
Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand river.

Wash Nave Jr 11

Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called, and further examined;

BY COM'R NEEDLES:

Q When did your father, Wash, die? A He died in February, '91, about the 18th or 19th at ~~Robinson~~ I believe.

Q And your mother, Mariah? A She is dead.

Q When did she die? A She died 2 years ago this last February.

Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commissionin the premises.

----***----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 1st, 1901.

Commissioner.

B 30815

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 22 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 22 1901

Date

Post Office Lenapah I. T.

District Coo

1. Name Wash Nave Jr., Age 43

Citizenship

Owner's name

Year R. Ro. Page 165 No. 3848 District Tah.

Parents:

Father Wash Nave - dead Citizenship

Mother Mariah " - dead Citizenship

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Stenographer M. K. Green

On Dallas roll as 132 2764 - Wash Nave - Coo

Represented by Mellette and Smith

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 20 1901

ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

N.-D. 5615.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 1st, 1901.

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of applicant:

APPEARANCES:
L. T. Brown, for Applicant.
J. S. Davenport, for Cher. Nation.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name. A L. D. Daniels.
Q Your age? A 56.
Q Your post office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes, sir.
Q Do you know Wash Nave, Jr. A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man Was Nave.
Q That was Wash Nave Jr.'s father was it? A Yes, sir.
Q What was Wash Nave, Jr's. mother's name? A I can't think of her name, I have been to her house 40 times I reckon.
Q When did you see Wash Nave, thefather of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes, sir.
Q Did you see him at that tme? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he come to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December, '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time?
A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R NEEDLES:

Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he come back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up..
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December, '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his hung grub stake up there.
Q That is the reason you know that Nave come from Fourteen Mile Creek he says Stevens never brought your pony back?
A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No, sir.

Q You never seen him [illegible] home to Gibson?
A Yes, sir, and when he [illegible] to get his [illegible] and come back and old man Stevens came [illegible] and didn't bring my horse back in time and I went after him.
Q You remember distinctly this incident of Stevens' coming with him? A Yes, sir; I didn't have no way [illegible] to keep it in my head and I remember it.

---oooOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 18th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
NOV 13 1901

File with Cherokee Freedman D-815, Nash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Nash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mallette & Smith, attorneys for applicant:
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposes to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony of Ross read today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

DEPARTMENT OF AGRICULTURE
COMMISSIONER
OCT 15 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Mallette E. Smith

Cher Cherokee Freedmen # [illegible]

D. 815

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ..... 190..

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of A. D. 190

Subscribed and sworn to before me this .....

.....

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

.....
Acting Chairman.

NOTICE!

IN THE MATTER OF the application of ..... Wash Nave .....
for enrollment as Cherokee citizens:
Case No. D 225

To Wash Nave or Pleasant & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Muskogee .....
Indian Territory, on ..... Oct. ..... 21st ..... 1901 ..... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct. 21st. 1901.

.....

.....

Attorneys for the Cherokee Nation.

File with Cherokee Freedmen D-815, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette A Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.

Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.

Q How old are you? A I am 56 years old.

Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.

Q Did you go out during the war? A Yes, I went out.

Q When did you come back? A I returned in '65, the fall of '65.

Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.

Q Did you know him after the war? A Yes, sir.

Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.

Q Where was you living at the time? A I was living at Martha Vann's on Grand River.

Q That a relative of yours? A Yes, sir, she is a first cousin of mine.

Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.

Q Do you know whether or not he had any children? A Yes, sir, he had several children.

Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.

Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.

Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.

Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.

Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.

Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.

Q Who did the family belong to before the war, if you remember?

A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.

Q That was afterwards Moss? A Old Aunt Mary Nave, my father's

sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.

Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.

Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.

Q On whose place? A Aunt Martha Vann's place.

Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.

Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.

Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.

Q You don't know then? A No, not exactly the number of children.

Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.

Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.

Q Wasn't over five or six years old? A Yes, sir, I suppose he was.

Q About five or six? A Well I can't say exactly how old he was.

Q Well, he wasn't big enough to make a hand? A Well I don't remember him plowing.

Q You think you would have remembered it if he had plowed? A Why yes I guess I would.

Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.

Q Can you remember the number of wagons they had? A No, sir, I can't state.

Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.

Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.

Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.

Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.

Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.

Q You believe you can? A Yes, sir.

Q Well, where was it that he told you that? A He told me that on the place.

Q That was now what time in '68? A That was in the spring of '68.

Q That was three years after the war, about three years after the war closed? A Yes.

Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.

Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.

Q You don't know all the places he lived in the Cherokee Nation

after the war? A Well he meidled a place right below there in that same neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.

Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.

Q Did you ever testify before any other Court than this Court in this case? A Yes, sir.

Q Where was that? A It was before the Kerr Court I think.

Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.

Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here?

A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.

Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.

Q I say that didn't have anything to do with where they came from?

A No, sir.

Q Do you know a man named George Vann? A Yes.

Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.

Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?

Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.

Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.

Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.

Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.

Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.

Q Was he around Vann's a good deal? A Your people there? A Yes he was around Rowes and Williams, they were some of his connections.

Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.

Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while.

Q Short while after the war? A Yes, sir.

Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.

Q I don't know whether it is Joe Ross or not. A Yes, that is the man.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A I can't state, he has been dead several years.

Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.

Q Where was J. M. Ross in February of '67? A I can't say.

Q Where was he during the xxx year of '67, if you know? A I can't say positive where he was.

Q Do you know where he was in the year '66? A No, sir.

Q When did you first see him after the war? A I can't say when positive, when I saw him.

Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Shat Ross was living there, I think maybe that was the first time I saw him.

Q You don't recollect on that point, do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H. C. Ross, Judge Henry Ross? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Ross? A No, sir
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been here ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

****

Taking of testimony continued by Stenographer J. C. Watson.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 31st, 1901.

WASH NAVE, JR., taking od Testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you livedin the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whetheror not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was my mothkher's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I know them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was livint there, settled down when you saw him? A Mbiving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was campted there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir? I was in here though in '66.
Q How long were you here? A I spent the summer here of '65.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I canIt say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the frst time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distingush [illegible] George here, we used to call him George Springcreel, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places:
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; I will have to study a little on that; I believe Mayes, the best of my recollection, you see it has been a good while off and I was young.
Q Well, where did wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some ti me during the war, during the civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year of '66? A It was as near as I remember in the fall.
Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was someti me it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adqir, were you brought up near about Evansville, were you raise d t here? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A Du ring the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, how, how long after you moved down here before you saw Wash?
A Well, as near as I could recollectin about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw hi m? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, si r, I don't recollect whether I

did or not.
Q You were living there at the same place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.
MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A No positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.



Personally appeared before me. W. C. Rogers
Judge of the District Court of Saline District
Cherokee Nation J M Ross who after being duly
sworn deposeth and saith that he is a Cherokee
by blood and a citizen of the Cherokee
Nation and that before the war was acquainted
with Wash. Nave who was a slave of Thos.
Gray Nave who was a Cherokee Indian by
blood and lived in Flint District Cherokee
Nation and that about the 11th day of February
1867 he started from the house of Saline (Saline
Dist C N) to go to Fort Gibson in a waggon
the first day he went as far as Bob Holmes
place on Verdigris River that night
camped and he slept in the House and Wash
Nave was there he said that he had been
working in bottom do not remember when
he said he had returned to the Nation
the next day he went to Fort Gibson and
that he got home the 15th day of his travels
that he was working. And that is the reason
that he remembers the first time that he
saw Wash Nave after the war

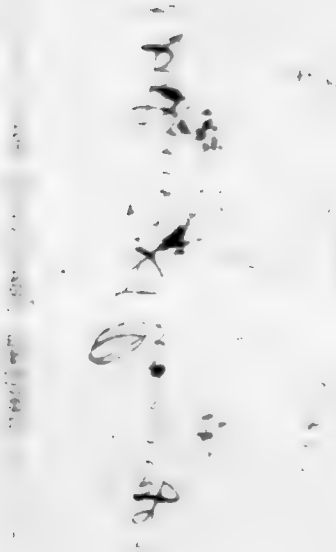
J M Ross

Sworn to and subscribed before me this the 23rd day of June A.D. 1896

W. C. Rogers
Judge Saline Dist. C.N.

I hereby certify that the above affidavit was subscribed and sworn to this the 23rd Day of June A.D. 1896

W. C. Rogers
Judge Saline Dist. C.N.



y. D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mallette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, l.c. 80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave. (Before the Commission on Citizenship, July
vs (13, 1878. (Colored) Claiming citizenship.
The Cherokee Nation.

Claimant presents himself in under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of

the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers court, which was recorded in there among their records, that was the record of that court that sat between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. P. Cunningham, and F. W. Allerty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to me attorneys, representing the Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from the data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record -

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George P. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the

notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur C. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur C Croninger

Subscribed and sworn to before me this 26th day of May, 1902.

Notary Public.

COMMISSION

FILED

AUG 1 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Wash Nave, D 815;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in whihh to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last. that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) M. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al.,....	Cherokee	Freedmen	D 813
George Starr, Jr.,.....	"	"	D 867
Jane Kernel,.....	"	"	D 856
Wash Nave, Jr.,.....	"	"	D 815
Dave Nave,.....	"	"	D 821
Reuben Nave,.....	"	"	D 822
George F. Nave,.....	"	"	D 823

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr, Jr., for himself; by Jane Kernel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kernel, Wash Nave, Jr., Dave Nave and Reub en Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all of the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr, Jr., Jane Kernel, Wash Nave, Jr., Dave Nave, Reuben Nave and George F. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this MAR -5 1904

MAR

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Dr. [illegible],
[illegible], I. T.
[illegible]-1-1-13.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D Cls, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernel, and Wash, Jr., Dave, Reuben, and George F. Nave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-23

Chairman.

Cherokee Freedmen

D-618.

Muskogee, Indian Territory, June 30, 1904.

Wash Neva, Jr.,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting among others, your application for enrollment as a Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-20.

Register.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Kernal, Wash Nave, Dave Nave, Reuben Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-24.

Register.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Cher Fr 1362

Trans. from D 821

See Cher Fr 1358 thru 1361; 1363 thru 1364

Cher Fr 1362

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED

FILED

JUL 1 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Dave Nave for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, of counsel for Cherokee Nation.

Dave Nave, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dave Nave.
Q How old are you? A I am pretty near fifty.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I have got some children.
Q How many have you got? A I have got a list of them here, ten of them? Any of these children married? A Yes, sir, there is two of them married? A Ulysses married? A Yes, sir.
Q George married? A No, sir, he isn't married.
Q Is Ellen married? A It is Keller isn't it.
Q Who is Ellen? A That is my wife, me and her downt live together now; I have got the seal here some place (hands Commissioner paper.)
Q Eight children and here:is that right? A Yes, sir, right on here, that oldest one isn't on there.
Q George the oldest one here? A Yes, sir.
Q Is he 20? A Yes, sir.
Q Keller the next? A Yes, sir.
Q He 18? A Yes, sir.
Q Laura the next? A Yes, sir.
Q Laura 15? A Yes, sir.
Q Maria the next? A Yes, sir.
Q She 12? A Yes, sir.
Q The next one John? A Yes, sir, John Noble.
Q He is ten is he? A Yes, sir.
Q The next Evaline? A Yes, sir.
Q She eight? A Yes, sir.
Q The next Emmet? A Yes, sir.
Q He six? A Yes, sir.
Q What is the next one, Shannon? A No, sir, Sherman.
Q How old is Sherman, four? A Yes, sir.
Q These children all living at this time? A Yes, sir.
Q All living with you? A Yes, sir, they live with me when I am here, they stay backwards and forwards.
Q They are all alive, are they? A Yes, sir.
Q What is the mother's name of these children? A Her name is Ellen.
Q You and her not living together? A No, sir.
Q All these children living with your wife? A They stay b ck-wards and forwards with me and her, they stay with me most of the time.
Q You and your wife separated? A Yes, sir.
Q She raised them and attends to them a'l the time? A Yes, sir, when they are with her.
Q Aren't they with her most of the time? A No, sir.
Q Are you a bacheler? A Yes, sir.
Q Who are you living with? A Nobody.
Q Keeping these children by yourself? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.
Q Has she applied here to be enrolled? A I don't know whether

she has yet.

Mr. Mellette: Who keeps the children? A Why I keep them and she keeps them sometimes.

Q Where is your wife? A She is here

Q Dave, who was your father? A Wash Nave.

Q Who was your mother? A Maria Nave.

Q When were you born, before the war or after the war?

A Before the war.

Q Where were you born? A Well, I don't know where I was born, in Flint I guess.

Q Can you remember anything before the war? A Oh yes sir.

Q How were you a slave? A Yes, sir.

Q Who was your master? A I didn't have no master.

Q Who was your mistress? A I belonged to the Widow Jane Pack.

Q Did your mother belong to her? A Yes, sir.

Q Where did you go during the war? A Went to Kansas.

Q Did you come back to this country? A Yes, sir.

Q Are you a brother of Wash Nave, Jr., who applied this morning?

A Yes, sir.

Q Do you remember coming back from Kansas? A Yes, sir.

Q Who did you come with? A I came with my father and mother and Dave French and Eph Bearden and his wife.

Q What about your brothers? A And Rube and Wash and George.

Q Are you the Dave Nave that is mentioned in the testimony in the Wash Nave case? A Yes, sir.

Q As the child of Maria and Wash, Sr.? A Yes, sir.

Q Where have you lived since you came back to the Cherokee Nation with your father and mother? A I have lived in the Cherokee Nation.

Q Did you ever live out of it since then? A No, sir.

Q Were you ever tried in the Cherokee Courts? A Yes, sir.

Q For an offense against the laws of the Cherokee Nation? A Yes, sir

Q What was done with you? A I was prosecuted and convicted and sentenced and made to pay a fine, I was to take six months in the penitentiary at Tahlequah or pay a fine and the costs of the Court.

Q What did you do? A I paid the fine.

Q How much? A $58.

Q What offense was that? A That was for allowing a white man to work on my place without a permit.

Q What Court was that? A Claremore Court, Cherokee Nation.

Q You have been here always, have you? A Yes, sir, ever since I returned back.

Mr. Hastings: When was that you were tried? A Since 1880 or before? A I think it was in '91.

Q Since the 1880 roll was made? A Yes, sir, since the 1880 roll was made.

Q Your wife is on the 1880 roll? A Yes, sir, I wasn't home when the census takers came and took the 1880 roll; I was enrolled afterwards at Tahlequah.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Commissioner: Who is Susie Goody? A I don't know her.

Q Who is George Nave? A This George Nave here.

Mr. Mellette: Did you draw your money? A Yes, sir, I was enrolled in this district.

Commissioner: Did you draw strip money for these children? A Yes, sir.

Q You drew for all of them? A No, sir.

Q Did you draw for any of these children? A Yes, sir.

Q Which ones? A They all wasn't old enough and forget now which; they are on the roll, them I drawed for.

The Kern-Clifton roll examined, and the applicant identified thereon, page 158, No. 3349, Saline district, as Dave Nave.
The Wallace roll examined and the applicant identified thereon, page 152, No. 2763, Cooweescoowee district.

Mr. Mellette: I would like to have the 1894 roll of Freedmen Citizens of the Cherokee Nation examined. I have a certificate from the executive office showing that the name of this applicant appears upon the citizen freedman roll of Cooweescoowee district for the year 1894.

Mr. Mellette: Did you draw strip money with the Cherokees? A No, sir, that came off the roll at Tahlequah, it came out the Executive Office, off the citizen roll.

Mr. Mellette: I ask to file this certificate filed then.

Commissioner: The applicant presents a certificate, marked Exhibit A,

Mr. Hastings: Comes now the representatives of the Cherokee Nation and protest against the filing of the certificate for the reason that the roll as taken in 1893 was corrected ~~by~~ and the pay-roll of 1894 was made therefrom, which roll is in the possession of the Commission.

Commissioner: The roll referred to was taken out of the hands of the Commission by an officer of the Cherokee Nation, one Joe M. Lahay, and he hasn't returned the same, after repeated requests by the Commission to do so.

Mr. Mellette: I want reference made to the case of Wash Nave, D-815.

Commissioner: The application for the enrollment of the children is withdrawn.

Commissioner: Dave Nave applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is fully identified upon the Kern-Clifton roll and the Wallace roll. He avers that he was the slave of one Jane Pack. He avers that he is the brother of Wash Nave, who has been listed for enrollment on D card 815. The testimony taken in the case of the said Wash Nave, his brother, will be made part of the record in the case at bar, and a copy thereof filed herewith. Said Dave Nave will be duly listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete trascript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

(B) J 20821

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Lenapah I. T.

District Coo

1. Name Dave Wave Age 50

Owner's name Jane Pack Citizenship Cherokee

Year 1880 Page 156 No. 3849 District Saline

Parents:

Father Wash, Wave — dead Citizenship

Mother Mariah " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	George Wave		Year	Page	No.	Dist.	20
4.	Nelson "		Year	Page	No.	Dist.	18
5.	Larsa "		Year	Page	No.	Dist.	15
6.	Mariah "		Year	Page	No.	Dist.	12
7.	John M. "		Year	Page	No.	Dist.	10
8.	Evaline "		Year	Page	No.	Dist.	8
9.	Ernest "		Year	Page	No.	Dist.	6
10.	Sherman "		Year	Page	No.	Dist.	4
11.			Year	Page	No.	Dist.	
12.			Year	Page	No.	Dist.	

Application made by No. 1 Stenographer E. C. Jones

On Wallace roll, Page 132 #2765 = 2 Aff

X 1/4 1 $15 —

Represented by Mellette and Smith.

Executive Department,

CHEROKEE NATION.

To Whom it May Concern:

This is to certify that the following named persons

Dan Nave, Ellen Nave,
Eulyses Nave, George Nave, Thalia
Nave, Laura Nave, Mariah Nave,
John Noble Nave and Everline
Nave

appear upon the Citizen Freedmen roll of
year 1894
Cooweescoowee Dist. for the, as citizens of the Cherokee Nation.

This the 22nd day of
November 1894.

W. P. Mayes
Asst. Executive Secretary.

TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 8 1901

File with Dave Nave, C.F., D-821.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave, Jr.
Q How old are you? A I am about 43 or 4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
By Mr. Mellette:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect ~~xxxx~~ a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time?
A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.
Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.
Q Did you draw your money under thatname? A Yes sir, there was a mistake they made in the court; my father wasnt in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.
Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist. 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.
Q When you came back from Kansas after the war do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old

Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that?
A We went across the river and camped at the old Vann place, Bill Boody was living on the Tom Rider place at the time we stopped there.
By Mr. Hastings:
Q How old did you say you are now? A 45 or 4, I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just hardly who did there was one family come with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Yout father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French?
A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longeststop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes, sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay

there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir, we didnt stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how log, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there: there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q On what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider'place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was gettin up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A Or what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.
Q Where did you go from there? A We come up on the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?
~~A~~ ~~Additional questions~~.

A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

It now being the hour of noon, the Commission adjours until the hour of 1 PM.

1 P.M.- This case continued: applicant on the stand, - examined by Mr. Hastings:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A Nosir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes, sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Naves daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Washm, was he one of them? A Yes sir
Q Now what other brothers did he have? A Dave and Reuben and George
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '68.
Q Where were the boys? A They was along.
Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '68? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '68? A I come with them.
Q You are a -- old man Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.

Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Leody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant: No.
Witness: Oh, he lives up there; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Cooweescoonee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Leody's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.

By Mr. Hastings:

Q About what time did Wash Nave, Sr, this man's father, die?
A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewheres, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop till the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers,' and I stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollec .
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you made to Kansas during '66? A I don't know.
Q Let's study them up? A I can't study them up.
Q You do 't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken

it was Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes, sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a while ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didnt you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there was a good many, I don't think there was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau is now is? A I don't know exactly, it is a little northeast of Chouteau.
Q Were there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Loody's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.
Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:
By Mr. Hellette:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 55.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr.? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes, sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand River.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I didn't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.
By Mr. Hastings:
Q You say 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go?, A They went down below across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed a while, visiting along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have meeting up there and they would come up there; my father used to have camp meeting up there.
Q What other families were along with them when they came back?
A I don't recollect seeing any other families.
Q You don't remember seeig Dave French's family at that time?
A No I don't remember seeing them.
Q You think that was in the early spring?
Q That was in April I am sure it was, because I was working to put in corn after.
Q You wan't a witness in this case before the Kern-Clifton Commission? A No sir.
Q You know these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place?
A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.

[illegible] A Yes sir

Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash [redacted] Jr.? A Wash Vann?
Q Wash Nave? A Yes, sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there's another one.
Q You know his name? A I know it, but I have forget his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war?
A No, sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them?
A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there?
A I come that spring.
Q You came the same spring? A Yes sir.
By Mr. Hastings:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from thehouse, about a quarter or maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.
Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didnt stay there but a little while.
Q You remember the main and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't

there.
Q Sam Mayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law
Q You never witnesses for them before the Kern-Clifton Commission?
A No sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify anything ~~xxxxxxxx~~ that wasn't true? A No you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

By Mr. Mallette:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q Do you know this applicant, Wash Nave, Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft.Scott Kansas, in '64, he was in the militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was some time in July, '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick,
Q You were one of the Census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you saw what year it was ~~xhx~~ you saw them at your store there after the war? A In '66.

By Mr. Hastings:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as towhether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? Not that I know of, I

don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, they were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you know about it? A No sir, there was no one asked me about it, that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir. And I moved away from there in September.
Q And it was before the first of August they were in your house?
A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars a piece? A Yes sir.

By Mr. Mellette:

Q Mr. Foreman, was money that the Representative of the Cherokee Nation asks you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend to these places? A Yes sir.

By Mr. Hastings:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand river.
Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called, and further examined.

By Com'r Needles:

Q When did your father, Wash, die? A He died in February, '91, about the 18th of 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died 2 years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

By Mr. Hastings:

Q ~~Were your father~~ Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave, Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon

the Kern-Clifton and the Kilpatrick rolls according to page and number of the testimony. It appears that he was a son of Wash Nave and Mariah Nave, who were citizens, and taken out of the Cherokee Nation during the war, and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this July 1st, 1901.

Signed, T. B. Needles.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and the same is a true and correct copy from the original.

Bruce C Jones

Sworn to and subscribed before me this the 1st of August, 1901.

M D Green

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF INDIAN AFFAIRS

FILED
OCT 12 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Millette Smith

Cher Cherokee Freedmen #1671

D. 821

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 190

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of 190

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of ..... A. D. 190

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

.....
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Dave Nave
for enrollment as Cherokee citizens:
Case No. D 321

To Dave Nave on Metlotte & Smith's Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Dec. 21st 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 11th day of Dec. 1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

File with Cherokee Freedman D-6#1, Dave Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette A Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.

Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.

Q How old are you? A I am 58 years old.

Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.

Q Did you go out during the war? A Yes, I went out.

Q When did you come back? A I returned in '65, the fall of '65.

Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.

Q Did you know him after the war? A Yes, sir.

Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.

Q Where was you living at the time? A I was living at Martha Vann's on Grand River.

Q That a relative of yours? A Yes, sir, she is a first cousin of mine.

Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.

Q Do you know whether or not he had any children? A Yes, sir, he had several children.

Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.

Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.

Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.

Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.

Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.

Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.

Q Who did the family belong to before the war, if you remember?

A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.

Q That was afterwards Moss? A Old Aunt Mary Nave, my father's

master.

Q How as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.

Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.

Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.

Q On whose place? A Aunt Martha Vann's place.

Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.

Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.

Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.

Q You don't know then? A No, not exactly the number of children.

Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.

Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.

Q Wasn't over five or six years old? A Yes, sir, I suppose he was.

Q About five or six? A Well I can't say exactly how old he was.

Q Well, he wasn't big enough to make a hand? A Well I don't remember him plowing.

Q You think you would have remembered it if he had plowed? A Why yes I guess I would.

Q Well now was that all there was to it, just the man and the woman and thesex children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.

Q Can you remember the number of wagons they had? A No, sir, I can't state.

Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.

Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.

Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.

Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.

Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.

Q You believe you can? A Yes, sir.

Q Well, where was it that he told you that? A He told me that on the place.

Q That was now what time in '68? A That was in the spring of '68.

Q That was three years after the war, about three years after the war closed? A Yes.

Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.

Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.

Q You don't know all the places he lived in the Cherokee Nation

after the war? A Well he resided a place right below there in that same neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.

Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.

Q Did you ever testify before any other Court than this Court in this case? A Yes, sir.

Q Where was that? A It was before the Kern Court I think.

Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.

Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here?

A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.

Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.

Q I say that didn't have anything to do with where they came from?

A No, sir.

Q Do you know a man named George Vann? A Yes.

Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.

Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?

Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.

Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.

Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.

Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.

Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.

Q War he around Vann's a good deal? A ~~your~~ people there? A Yes he was around Rowes and Williams, they were some of his connections.

Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.

Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while.

Q Short while after the war? A Yes, sir.

Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.

Q I don't know whether it is Joe Ross or not. A Yes, that is the man.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A I can't state, he has been dead several years.

Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.

Q Where was J. M. Ross in February of '67? A I can't say.

Q Where was he during the same year of '67, if you know? A I can't say positive where he was.

Q Do you know where he was in the year '66? A No, sir.

Q When did you first see him after the war? A I can't say when positive, when I saw him.

Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that ~~that~~ ~~Rose~~ was living there, I think maybe that was the first time I saw him.

Q You don't recollect on that point, do you? A No, not positive but I think it was '66 that I seen him.
Q What kin was he to R. C. Rose, Junius Henry Rose? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Rose? A No, sir
Q you know the handwriting of Henry Rose? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went on in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 'till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been here ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

****

Taking of testimony continued by Stenographer J. O. Rosson.

****

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce O. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 31st, 1901.

WASH NAVE, JR., taking od Testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you livedin the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whetheror not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was at my mothther's-in-law, Mrs. Vann's.
Q Did he have his family with hi m? A Yes, si r, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. DAVENPORT: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was living there, settled down when you saw him? A Living in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir? I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
A That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the frst time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish him George here, we used to call him George Springcreek, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places:
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. M. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; I will have to study a little on that; I believe Mayes, the best of my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some time during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year of '66? A It was as near as I remember in the fall.
Q Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, how, how long after you moved down here before you saw Wash? A Well, as near as I could recollectin about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I

did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.
MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A No positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to [illegible] first? A It seems [illegible]
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the houe or camp out? A They moved in the house, I think there was some housesthere.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NOV 12 1907

ACTING CHAIRMAN

File with Cherokee Freedman D-821, Dave Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposes to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

To be filed with F.D.-881.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District as follows, No.80:

"Wash Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No.120, as follows:

"Wash Nave
vs
the Cherokee Nation. (Before the Commission on Citizenship July 13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and becausethe record itself is insufficient to tend to prove any issue in this case.

W. W. Hastings, being first duly sworn, testified as follows:-

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record -

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases. Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMIth: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Wash Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above case.

Mabel H. Maxwell.

Subscribed and sworn to before me this 15th day of July, 1902.

P. G. Reuter

Notary Public.

COMMISSION ON CIVIL RIGHTS

FILED

AUG. 1 1962

CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17206 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Dave Mave, D 821;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

F.P.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al., ...	Cherokee Freedmen	D-813
George Starr, Jr., ...	Cherokee Freedmen	D-867
Jane Kernel,.	Cherokee Freedmen	D-856
Wash Nave, Jr.,.	Cherokee Freedmen	D-815
Dave Nave, ...	Cherokee Freedmen	D-821
Reuben Nave, ...	Cherokee Freedmen	D-822
George F. Nave	Cherokee Freedmen	D-823

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr ,Jr., for himself; by Jane Kernel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kernel, Wash Nave, Jr., Dave Nave and Reuben Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash. Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr Jr., Jane Kernel, Hank Nave Jr., Dave Nave, Reuben Nave and George P. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C.R. Breckinridge
Commissioner.

(Signed) D. M. Stanley
Commissioner.

Muskogee, Indian Territory,
this Mar. 8, 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D Ellis, et al.

Muskogee, Indian Territory, June 6, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernel, and Wash, Jr., Dave, Reuben, and George P. Dave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-23

Cherokee Freedmen

D-861.

Muskogee, Indian Territory, June 30, 1906

Dave Nave,

Lenapah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting among others, your application for enrollment as Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. D-861.

Register.

Muskogee, Indian Territory, June 20, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Karnel, Wash Nave, Dave Nave, Reuber Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. 1-24.

Register.

Cher Fr 1363

Trans. from D 822

See Cher Fr 1358 thru 1362;
1364.-1365

Cher Fr 1363

COMMISSION TO THE FIVE C
FILED
JUL 1 1901

X 985

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Reuben Nave for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Reuben Nave, being duly sworn and examinedby Commissioner Needles, testified as follows:

Q What is your name? A Reuben Nave.
Q How old are you? A I am about 45, nearabout.
Q What is your post office address? A Chouteau.
Q What district do you live in? A Saline district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
Q Does your name appear upon any of the rolls of the Cherokee Nation
A Yes, sir, I suppose so.
Q What rolls? A The K.C. and Wallace.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 155, No. 3847, Tahlequah district, as Reulon Nave.

The Wallace roll examined and the applicant identified thereon page 132, No. 2768, Saline district.

Q You born in the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Married? A No, sir. I have been married but I am not now.

Mr. Mellette: Who is your father? A Wash Nave.

Q Who was your mother? A Maria Nave.
Q Do you remember where you were during the war? A Yes, sir.
Q Where? A You mean where we went during the war?
A Yes. A Kansas.
Q Were you born a slave? A Yes, sir.
Q Who was your mistress or master? A Jane Pack was my mistress.
Q Who did you go to Kansas with during the war? A Well, with my father and father as I can recollect, as my brothers.
Q Well, your mother was who? A Maria Nave.
Q And your father Wash? A Yes, sir.
Q Now do you remember coming back to this country after the war?
A Yes, sir.
Q Who did you come with? A I came with my mother and father and brothers and Uncle Dave.
Q Dave who? A Dave French.
Q Are you the Reuben Nave mentioned in the testimony of Wash Nave, who applied for enrollment this morning? A Yes, sir.
Q Is Wash Nave your brother? A Yes, sir.
Q Where have you lived since you returned to the Cherokee Nation after the war? A I have lived in Saline district.
Q You have lived in the Cherokee Nation then? A Yes, sir.
Q Never lived out of it? A No, sir, never lived out of it.

Commissioner: Reuben Nave applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kern-Clifton and the Wallace roll, according to page and number of the rolls as recited in the testimony. He avers that he was a slave, and was taken out of the Cherokee Nation during the war, and returned in the year 1866. He avers that

he is the brother of Wash Mave, who has this day been listed for enrollment on D card 815, and the testimony taken in the matter of the enrollment of said Wash Mave will be made part of the record in the case at bar, and a copy thereof will be filed herewith, and the said Reuben Mave will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail at his postoffice address of the decision of the Commission in the premises.

Mr. Hastings: Did you ever see your mistress since the war? A No, sir.

Q You don't know whether she lived in the Cherokee Nation since the war? A No, sir.

Q Never heard of her? A I heard she was dead, died time of the war.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Choctaw N. T.

District

1. Name Reuben Nave Age 23

Owner's name Jane Nave Citizenship

Year 1896 Page 155 No. 3847 District Gab

Parents:

Father Wash Nave - dead Citizenship

Mother Mariah " Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.		Year	Page	No.	Dist.
4.		Year	Page	No.	Dist.
5.		Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

Application made by Self Stenographer D. E. Jones

Applicant on Ch. roll as Reuben Nave
" Mallett's Page 132 #2768 - Sabine

Represented by Mellette and Smith

...MENT OF THE INTERIOR,
...SION TO THE FIVE CIVILIZED TRIBES,
RECEIVED
AUG 2 1901

File with Reuben Nave, C.F. D-825.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave,Jr., for the enrollment of himself as a Cherokee Freedman: being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 43 or 4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.
By Mr. Mellette:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mothers's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time?
A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back there to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what nation? A Cherokee Nation.
Q Ever live ay other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls?
A Yes sir.

Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake, they made in the court: my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist, 71 years old.

Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old

Tom Rider place.
Q Where was that? A That was near Grand River.
Q I will ask you where you went from there, do you remember that?
A We went across the river and camped at the old Vann place, Bill Loody was living on the Tom Rider place at the time we stopped there.
By Mr. Hastings:
Q How old did you say you are now? A 45 or 4, I don't know just exactly which.
Q Youmwere a small boy then when you returned? A Well, you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who came along with you? A I don't recollect just exactly who did, there was one family come with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not
Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French?
A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay

there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river. and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up about the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q On what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then were did you go? A We come back over to the Tol Rider place, to Bill Loody's.
Q How long did you stay at Tom Rider's place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Mose Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.
Q Where did you go from there? A We come up to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?

A I didn't see any.
Q How long did you contue to live there at the Vann place? A We made two crops there.
Q You mave a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

It now being the hour or noon, the Commission adjourns until the hour of 1 P.M.

1.PM.- This case continued; applicant on the stand, - examined by Mr. Hastings:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No, sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Gooseneck Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Martha Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Henry Nave.
Q Was she a Cherokee citizen? A Yes sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes sir.
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They was along.
Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a — old man Wash Nave was a brother of yours? A Yes, sir own brother.
Q Full brother? A Yes sir.

Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Looby was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant: No.
Witness: Oh, he lives up here; he moved from the river, he lived up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A Coowescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Looby's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys? A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.

By Mr. Hastings:

Q About what time did Wash Nave, Sr., this man's father, die? A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewheres, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I dont believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during '66? A I don't know.
Q Let's study them up? A I can't study them up.
Q You don't know who you went there with first after the war and after Peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken

it was with Wash, I wont be certain.
Q You think then this was your first trip back there? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a while ago that you hauled her up there in August '65 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer through sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash has a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Wave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau is now is? A I don't know exactly, it is a little northeast of Chouteau.
Q Were there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Looby's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Wave and his family was on the east side of the river at the Venn place? A Yes sir
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Venn place? A That winter.
Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I think it was.
Q It wasn't later than Christmas? A It might have been last a then Christmas.
Q They they lived there for some two or three years and made a crop?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

By Mr. Mellette:

Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen of the Nation? A Yes sir.
Q You know the applicant here, Wash Nave,Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No, sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand River.
Q When was that? A In the spring of '66.
Q Well now do you know what children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Esther and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

By Mr. Hastings:

You say 4 boys, uncle, also with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Esther and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long: they came there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A It was a week I guess.
Q And then where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They came back in the fall and stayed a while, visiting along about the time of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Byron's creek: used to have meeting up there and they would come to them: they also used to have camp-meeting up there.
Q What other families were along with them when they were back?
A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time?
A No I don't remember seeing them.
Q You think that was in the early spring? A That was in April I am sure it was, because in that is came to the [illegible] mission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place?
A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.

Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash [redacted] Jr.? A Wash Vann?
Q Wash Nave? A Yes, sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there's another one.
Q You know his name? A I know it, but I have forget his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war?
A No, sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? They come in wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them?
A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there?
A I come that spring.
Q You came the same spring? A Yes sir.
By Mr. Hastings:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from thehouse, about a quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.
Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didnt stay there but a little while.
Q You remember the mahn and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't

there.
Q Sam Mayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law
Q You never witnesses for them before the Kern-Clifton Commission?
A No sir, I didn't, because you had my subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

By Mr. Mellette:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowe-scoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q Do you know this applicant Wash Nave Jr.? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft.Scott Kansas, in '64, he was in the militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was sometime in July '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand River was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and ought some groceries and one thing and another, ad camped that night.
Q Did they have any family with them?, A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick.
Q You were one of the Census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them at your store there after the war? A In '66.

By Mr. Hastings:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll
Q You were around before the Kern-Clifton Court 5 years ago?
A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I

don't remember it.
Q You know they were disputed at that time?, A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was none asked me about it, that I remember.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir. And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they came there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir, that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robison case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars apiece? A Yes sir.

By Mr. Mellette:

Q Mr. Foreman, was money that the Representative of the Cherokee Nation gave you in regard to, was that paid to induce you to swear a lie? A No, sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.

By Mr. Hastings:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live in that time, during 1896? A I lived down on the west side of Grand river.
Q Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, Jr., recalled, and further examined;

By Com'r Needles:

Q When did your father, Wash, die? A He died in February, '91. about the 18th of 19th I believe.
Q And your mother, Hannah? A She is dead.
Q When did she die? A She died 2 years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

By Mr. Hastings:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon

the Kern-Clifton and the Walpole rolls according to page and number of the testimony; he appears that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

M. D. Green, beig first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony the proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green,

Subscribed and sworn to before me this July 1st, 1901.

Signed, T. B. Needles,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and the above is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of August, 1901.

M D Green
Notary Public.

T. D. 822

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the ..... day of ..... A. D. 190

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the ..... day of ..... 190..

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 21 1901

.....
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of ..... Reuben Have .... for enrollment as Cherokee citizens:

Case No. D ..22

To ..... Reuben Have or McMaster & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ..... Vinita .... Indian Territory, on ..... Oct. ..... 2nd ..... 1901 .... or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ..... Sept. ..... 21st ..... 1901. .....

....

....

Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

OCT 11 1901



COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, I.T. Oct 11 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of Reuben Paine for enrollment as Freedmen of the Cherokee Nation.

Millett & Smith
Attorneys for Applicant

No. C.T.D. 1852.

File with Cherokee Freedman D-828, Reuben Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette A Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.

Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.

Q How old are you? A I am 56 years old.

Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.

Q Did you go out during the war? A Yes, I went out.

Q When did you come back? A I returned in '65, the fall of '65.

Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.

Q Did you know him after the war? A Yes, sir.

Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.

Q Where was you living at the time? A I was living at Martha Vann's on Grand River.

Q That a relative of yours? A Yes, sir, she is a first cousin of mine.

Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.

Q Do you know whether or not he had any children? A Yes, sir, he had several children.

Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.

Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.

Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.

Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir.

Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.

Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.

Q Who did the family belong to before the war, if you remember?

A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.

Q That was afterwards Moss? A Old Aunt Mary Nave, my father's

sister.
Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.
Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.
Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well, he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes I guess I would.
Q Well now was that all there was to it, just the man and the woman and thisen children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.
Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation

after the war? A Well he saddled a place right below there in that same neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.

Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.

Q Did you ever testify before any other Court than this Court in this case? A Yes, sir.

Q Where was that? A It was before the Kern Court I think.

Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.

Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.

Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.

Q I say that didn't have anything to do with where they came from? A No, sir.

Q Do you know a man named George Vann? A Yes.

Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.

Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?

Q The one that lives up here in this district, Cooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.

Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.

Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.

Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.

Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.

Q Was he around Vann's a good deal? A They people there? A Yes he was around Rowes and Williams, they were some of his connections.

Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.

Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while.

Q Short while after the war? A Yes, sir.

Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.

Q I don't know whether it is Joe Ross or not. A Yes, that is the man.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A I can't state, he has been dead several years.

Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.

Q Where was J. M. Ross in February of '67? A I can't say.

Q Where was he during the year of '67, if you know? A I can't say positive where he was.

Q Do you know where he was in the year '66? A No, sir.

Q When did you first see him after the war? A I can't say when positive, when I saw him.

Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Ross was living there, I think maybe that was the first time I saw him.

Q You don't recollect on that point, do you? A No, not positive but I think it was '66 that I seen him.
Q What kin was he to W. T. Rose, Judge Henry Rose? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Rose? A No,sir
Q You know the handwriting of Henry Rose? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been here ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No,sir.

****

Taking of testimony continued by Stenographer J. O. Rosson.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of November, 1901.

Commissioner.

October 31st, 1901.

WASH NAVE, JR., taking od Testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live, Mr. Hayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you livedin the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whetheror not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was at my mothther's-in-law, Mrs. Vann's.
Q Did he have his family with hi m? A Yes, si r, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was livint there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was campted there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir? I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I canIt say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the frst time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distingush ~~him~~ George here, we used to call him George Springcreel, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places:
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; I will have to study a little on that; I believe Mayes, the best of my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some time during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year of '66? A It was as near as I remember in the fall.
Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised here? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, how, how long after you moved down here before you saw Wash?
A Well, as near as I could recollectin about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't recollect whether I

did or not.
Q You were living there at the same place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.
MR. SMITH: Mr. Blair, you are certain about that, which came first Mayes or this man? A No positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '86 and he came again after that? A I don't know about that.
Q But you aren't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the houe or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

A 70822

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
NOV 13 19

File with Cherokee Freedman D-822, Reuben Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant:
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposes to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-823, and D-823, and reference is made to the same.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

To be filed with F.D-822.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 1902.

In the matter of the application fo Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No.80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is know as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation (Before the Commission on Citizenship July 13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.
Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.
MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony fer the reason that there is noting in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Resp ctfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of

the fact that there is nothing accompanying said offer to show that said matter offered is any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted i n his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. P. Cunningham, and B. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record -

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cause for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and all of these children, and is the man who made application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Creninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Creninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel H. Maxwell.

Subscribed and sworn to before me this 15th day of July, 1902.

P. G. Reuter

Notary Public.

A2827.

IMMIS. TO THE REV. UN 190

SERIES A.

ACT OF NOVEMBER 5TH, 1862.

No. [illegible] COCHRANSCOOMLE District.

Permission is hereby granted [illegible] citizen of the United States, to [illegible] as a retail liquor dealer from this date.

"No permit shall be issued for a longer period than one year from the [illegible] date of the year in which such permit is issued."

Given under my hand and seal of office, this [illegible] day of [illegible]

[illegible]

Clerk [illegible] District

50 CENTS.

Counter seal.

Treasury of the United States.

F.P.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al., ...	Cherokee Freedmen D-813
George Starr, Jr., ...	Cherokee Freedmen D-867
Jane Kernel,.	Cherokee Freedmen D-856
Wash Nave, Jr.,.	Cherokee Freedmen D-815
Dave Nave, ...	Cherokee Freedmen D-821
Reuben Nave, ...	Cherokee Freedmen D-822
George F. Nave,.	Cherokee Freedmen D-823

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and minor child, Arthur Starr; by George Starr ,Jr., for himself; by Jane Kernel, for herself; by Wash Nave, Jr., for himself; by Dave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kernel, Wash Nave, Jr., Dave Nave and Reuben Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Wash. Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Arthur Starr have been born since 1866 and are the children of, and claim right to enrollment through, the said George Starr.

The evidence further shows that all the applicants herein have continuously resided in the Cherokee Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr Jr., Jane Kernel, Wash Nave Jr., Dave Nave, Reuben Nave and George P. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C.R. Breckinridge
Commissioner.

(Signed) W. L. Stanley
Commissioner.

Muskogee, Indian Territory,
this Mar. 8, 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 413, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernel, and Wash, Jr., Dave, Reuben, and George F. Nave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-23

Cherokee Freedmen
D-822.

Muskogee, Indian Territory, June 30, 1904.

Reuben Nave,

Ghouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, your application for enrollment as a Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc L. 22.

Register.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 8, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Kernel, Wash Nave, Dave Nave, Reuben Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. 1-24.

Register.

Cher Fr 1364

Trans. from D 823

See Cher Fr 1358 thru 1363

Cher Fr 1364

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 1 1901

George F. Nave - S.

Meadlon, testified as follows:

Mr. Mellette: What is your name? A Meadlon Nave.

Q Are you the Meadlon Nave who testified in the enrollment this morning?

A Yes, sir.

Q In your testimony you mentioned a brother, George Nave?

Q Yes, sir.

Q Is this applicant he the George Nave you mentioned in your testimony as being your brother? A That is the George Nave, that very fellow right there, that is him.

Q What fix was he when you came from Kansas? A He was very small.

Q What age would you take him to be then? A He was about 3 or 4 years old, I can't tell just exactly his age.

****

Emma C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings had in the matter of the application of [illegible] for enrollment as a citizen of the Choctaw Nation, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this [illegible], 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of George F. Nave for the enrollment of himself and one child as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of Counsel for Cherokee Nation.

George F. Nave, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George F. Nave.
Q What is your age? A I am 37 years old.
Q What is your post office? A Tahlequah.
Q What district do you live in? A I live in Coowescoowee, but I am at Tahlequah now.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My baby.
Q What is your baby's name? A Peggy.
Q How old is Peggy? A Peggy is eight months old.
Q Are you married? A No, sir, my wife is dead.
Q What was her name? A Emma Hudson.
Q Is she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A Yes, sir. (Hands Commissioner paper.)

Mr. Mellette: Where have you lived since you can recollect?

A Lived in the Cherokee Nation, never lived anywhere else.
Q Who was your father? A Wash Nave.
Q Who was your mother? A Maria Nave.
Q Are you a brother of Wash Nave, Jr., who applied for enrollment this morning? A Yes, sir.
Q Are you the George Nave mentioned in the testimony in his case?
Q Yes, sir.
Q Never lived out of the Cherokee Nation since you can remember?
A Never did.
Q Are you now in the employ of the Cherokee Nation? A Yes, sir.
Q In what capacity? A I am superintendent of the boarding school known as the Colored High School at Tahlequah

Commissioner: Is your name on the roll of 1880? A I think not, I suppose not.

Q On the Kern-Clifton roll? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant George F. Nave not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant George F. Nave not identified thereon.

The Kern-Clifton roll examined and the applicant George F. Nave identified thereon, page 150, No. 3851, Saline district, as George Nave.

The Wallace roll examined and the applicant George F. Nave identified thereon, page 132, No. 2775, Saline district, as George Nave, 22 years of age.

The 1880 authenticated roll of Cherokee Freedmen examined and the mother of the applicant, Peggy Nave, identified thereon, page 536, No. 851, Illinois district, as Emma Hudson.

Mr. Hastings: When were you employed as superintendent of this Colored High School; was it since the Kern-Clifton roll was made?

A Yes, sir.

Commissioner: This child living at this time, Peggy? A Yes, sir

Commissioner: George F. Nave applies for the enrollment of himself. He cannot be identified upon the authenticated

roll of 1880, but he is duly identified upon the Kern-Clifton roll and the Wallace roll according to page and number as indicated in the testimony. He makes satisfactory proof as to his residence, and he avers that he is the brother of Wash Nave, who has this day been listed for enrollment upon doubtful card D-815, and the testimony taken in said case will be made part of the record in the case at bar and a copy thereof filed herewith. The said George F. Nave will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail at his post office address of the decision of the commission in the premises.

He applies for the enrollment of his child, Peggy, and makes satisfactory proof as to his marriage to one Emma Hudson, a Cherokee freedman, on the 10th day of December, 1898, and he avers that said Emma Hudson is now deceased; that by said wife he had one child, named Peggy, eight months of age, and he makes satisfactory proof of birth ofsaid child, Peggy. The name of the said Emma Hudson is found upon the authenticated roll of 1880, and she is duly identified, consequently Peggy Nave the child of Emma Hudson will be listed for enrollment as a Cherokee Freedman.

****

Supplemental.

George F. Nave, re alled, testified:

Mr. Mellette: The name of George F. Nave seems to appear upon the Wallace roll, age 22 years; is that your name? A On the Wallace I am just George Nave, there is no F in it; I know the George F. Nave that appears on the Wallace roll: I don't know what the age is that appears on the Wallace roll.

Q Did you give that enrollment? A No, sir, my mother gave it, but I know the names and the reference.

Q Your mother gave your age in to the Wallace Court? A Yes, sir, and at the Clifton Court; I never applied in person before, but the reference I have to the George F. Nave is Dinah Vann's son over there.

Q You give your age here as 37 years? A I am 37 years old, was the 6th day of last month, I was born May 6, 1864.

Mr. Hastings: You were present this morning and heard the testimony in your brother Wash's case? A Yes, sir.

Q You heard Dave French and the other witnesses testify? A I think so.

Q You know you heard it? A I heard a part of it, I was here part of the time, I wasn't here all the time, I didn't hear all of it.

Mr. Hastings: I would like to have the roll clerk say what other names are on there in connection with George Nave on the Wallace roll.

Commissioner:, Upon examination of the roll it is found that the name of Wash Nave appears on the roll with George Nave, 65 years of age; it is found that the George Nave, 22 years of age, is the same George Nave that is enrolled on the Kern-Clifton roll, No. 3838, and that the George Nave that is on the Wallace roll 22 years of age is identified as the George Nave that was on the Kern-Clifton roll that was enrolled as Wash Nave. Wash Nave's fathher appears on the Wallace roll as 2764.

Wash Nave, being duly sworn and examined before Commissioner

George F. Nave - 3.

Needles, testified as follows:
Mr. Mellette: What is your name? A Nash Nave.
Q Are you the Nash Nave who applied for enrollment this morning?
A Yes, sir.
Q In your testimony you mentioned a brother, George Nave?
Q Yes, sir.
Q Is this applicant here the George Nave you mentioned in your testimony as being your brother? A That is the George Nave, that very fellow right there, that is him.
Q What age was he went you came from Kansas? A He was very small.
Q What age would you take him to be then? A He was about 3 or 4 years old, I can't tell just exactly his age.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

B
YD 823

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 22 1901

Post Office Tahlequah I.T.

District

1. Name George F. Nave Age 37

Owner's name Citizenship

Year K.C. Page 156 No. 3951 District Saline

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. ~~Peggie Nave~~ Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No Stenographer L. C. Jones

1 On K.C. roll as George Nave

1 " Wallace. Page 132 #773 - George Nave - Saline

Represented by Millette and Smith

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY.
Northern District. } ss.

I, JAMES A WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the [illegible] day of [illegible] 189[illegible], at [illegible] M., and duly recorded in Book [illegible] Marriage Record, Page [illegible]

WITNESS my hand and seal of said Court at Muscogee, in said Territory this [illegible] day of [illegible] A. D. 189[illegible]

[illegible] Clerk

By [illegible] Deputy

6

30823

CERTIFICATE OF RECORD

United States of America,
INDIAN TERRITORY,
Northern District.

I, JAMES A WINSTON, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument herein attached was filed for record in my office the 13 day of Dec 1900 at 9 o'clock M., and duly recorded in Book 1 Marriage Record, Page 305

WITNESS my hand and seal of said Court at Muscogee, in said Territory this 19 day of Dec A D 1900

Jas. A. Winston Clerk

By Deputy

6

30823

MARRIAGE LICENSE

FILED
SEP 18 1899
Jas. A. Wilson

United States of America,)
INDIAN TERRITORY,) ss
Northern District.)

No. 241

To Any Person Authorized by Law to Solemnize Marriage---Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr George F Nave of Tahlequah in the Indian Territory, aged 35 years, and Miss Emma Hudson of Ft. Gibson, in the Indian Territory, aged 21 years, according to law, and to you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Muscogee, Indian Territory, this 18 day of September A.D. 1899.

Isaac Parris
Clerk of the U. S. Court.

By [illegible] Deputy.

CERTIFICATE OF MARRIAGE

United States of America,)
INDIAN TERRITORY,) ss
Northern District.)

I, [illegible], a Minister of the Gospel,

DO HEREBY CERTIFY, that on the 16 day of September A.D. 1899,

I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 16 day of September A.D. 1899

[illegible] Clerk of the United States Court in Indian Territory, Northern District.

Fees. [illegible]

Kirtland Johnson
Minister of the Gospel.

NOTICE. This License and Certificate of Marriage must be returned to the office of the Clerk of the United States Court in the Northern District, Indian Territory, from whence it was issued within sixty days from the date thereof, or the party to whom the License was issued will be liable in the amount of One Hundred Dollars Bond.

DEPARTMENT OF THE INTERIOR
RECEIVED
1901

File with George F. Nave, C.F. D-622.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 43 or 4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.
By Mr. Mellette:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q What can you remember about that? A I remember ofcoming.
Q How large were you at that time? A I was justa tolerable size boy, small boy, not very large.
Q Can you give an idea of about howold you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.

Mr. Mellette- I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave Jr.

Q Did you draw your money under that name? A Yes, sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3848 Wash Nave, Tahlequah Dist, 71 years old.

Wallace roll of citizens of the Cherokee Nation examined page 132 #2754 Wash Nave, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came bac from Kansas after the war, do you remember where you first stopped? A We come along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old

Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that?
A We went across the river and camped at the old Vann place, Bill Leody was living on the Tom Rider place at the time we stopped there.
By Mr. Hastings:
Q How old did you say you are now? A 43 or 4, I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who come along with you? A I don't recollect just hardly who did there was one family come with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Yout father was named Wash, and your mother, Mariah? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was any one with Dave or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he come in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We come from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French?
A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longeststop we made there, we camped all along the road on Creeks.
Q Camped over nights? A Yes, sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as 3 months? A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay

there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn'tstay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place, on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, butI don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store?? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Loody's.
Q How long did you stay at Tom Riders place? A We stayed there quite a little bit.
Q What was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand River.
Q How long did you stay there? A We stayed there, I don't know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes, sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family, and Moses Mayes.
Q Was Mose Mays colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes sir, it is on the east side of the Grand river.
Q Did you winter there that winter? A No sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.
Q Where did you go from there? A We come up to the old Van place.
Q That's still on the east side of the river, in Saline District?
A Yes sir.
Q Did you settle down there? A Yes sir, we wintered there.
Q You wintered there in the early part of '67? A Yes sir.
Q Were there any Cherokees living there at that Vann place then?

A I didn't see any.
Q How long did you continue to live there at the Vann place? A We made two crops there.
Q You made a crop there in '67 and another one in '68? A Yes sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

It now being the hour of noon, the Commission adjours until the hour of 1 PM.

1 P.M.- This case continued; applicant on the stand, - examined by Mr. Hastings:
Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No sir.
Q Never heard him say about that? A No sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Dave French.
Q Where do you live? A Up close to Goosenack Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Nave? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes, sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Naveds daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wasshe, was he one of them? A Yes sir
Q Now what other brothers did he have? A Dave and Reuben and George
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They was along.
Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to, in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I come with them.
Q You are a — old man Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.

Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Bill Leody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant: No.
Witness: Oh, he lives up there; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Goowesscoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Loody's, after you brought them here? A I went back to Kansas, and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.

By Mr. Hastings:

Q About what time did Wash Nave, Sr, this man's father, die?
A I don't know what time it was, I don't know.
Q About how many years after you come back here? A Somewheres, now I didn't keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didnot make no crop till the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officers,' ad I stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollec .
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you made to Kansas during '66? A I don't know.
Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times that I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken

it was Wash, I wont be certain.
Q You think then this was your first trip back here? A Yes, sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a while ago that you hauled her up there in August '66 didn't you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didnt you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there was a good many, I don't think there was all, it was a pretty good crowd. We couldn't come in little squads, we come in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau is now is? A I don't know exactly, it is a little northeast of Chouteau.
Q Were there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Loody's family; there wasn't no Cherokees hardly in there at that time; they come in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Nave and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.
Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made 2 crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr.? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes, sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the Tom Rider place, across Grand river.
Q When was that? A In the spring of '66,
Q Well now do you know what children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.
By Mr. Hastings:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And then were did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed a while, visiting along about the first of Septembe I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Pryor's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?
A I don't recollect seeing any other families.
Q You don't remember seeing Dave French's family at that time?
A No I don't remember seeing them.
Q You think that was in the early spring? A That was in April I am sure it was, because I was working to put in corn after.
Q You wasn't a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they come to your place?
A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.

Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:
By Mr. Mellette:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash [redacted] Jr.? A Wash Vann?
Q Wash Nave? A Yes, sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there's another one.
Q You know his name? A I know it, but I have forget his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war?
A No, sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They come in wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them?
A I didn't see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there?
A I come that spring.
Q You came the same spring? A Yes sir.
By Mr. Hastings:
Q How far did you live from where they were camped? A I lived on the same place, at the house, and they was camped out on the outside on the hill there not very far from thehouse, about a Quarter of maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I cooked for Sam Downing's hands.
Q Until the crops was laid by? A Yes sir.
Q And you left that fall? A I left that summer, in August.
Q About what time of the year do you think they came before you left? A They was plowing corn, it must have been along about May or June.
Q They were there when you left there? A No, they wasn't, they went away, they didnt stay there but a little while.
Q You remember the main and his wife and four boys? A Yes sir.
Q What was the youngest boy's name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment, at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't

there.
Q Sam Mayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law
Q You never witnesses for them before the Kern-Clifton Commission?
A No sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify anything ~~xxxxxxxx~~ that wasn't true? A No you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

By Mr. Mellette:

Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Coowescoowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood?
A Yes sir.
Q Do you know this applicant, Wash Nave, Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Nave and Wash Nave after the war? A First place I saw Wash Nave was in Ft.Scott Kansas, in '64, he was in the militia there; I don't remember seeing his wife until they come to the Nation.
Q When did you first see them in the Nation after the war? A It was sometime in July, '66, I don't remember, just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand river was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '80.
Q You have known him since '80? A Yes sir, I taken the census in Saline District in 1880 and I enrolled Wash Nave and his family, they were living near the bend, in near Markham's Lick,
Q You were one of the Census takers for 1880? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you saw what year it was ~~xhs~~ you saw them at your store there after the war? A In '66.

By Mr. Hastings:

Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as towhether I put them on the 1880 roll or the doubtful roll, but my recollection is Iput them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? Not that I know of, I

don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases
Q You didn't at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it? A No sir, there was no one asked me about it, that I remember of.
Q When did you quit Keeping store up there? A I sold out my to my brother in law first of August.
Q Of '68? A Yes sir And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes sir, reason I know it was July sometime because I sold out the first of August and they come there and camped while I was keeping the store.
Q They didn't stay there but the one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his Brothers, he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1880? A Yes sir that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes sir.
Q There was 5 leading families in that case? A Yes sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes sir.
Q Running from 20 to 25 dollars a piece? A Yes sir.

By Mr. Mellette:

Q Mr. Foreman, was money that the Representative of the Cherokee Nation paid you in regard to, was that paid to induce you to swear a lie? A No sir, it wasn't.
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You has to leave home to attend these places? A Yes sir.

By Mr. Hastings:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand river.
Q How far from Vinita? A 8 miles east of Wagoner.

Applicant, Wash Nave, Jr., re-called, and further examined;

By Com'r Needles:

Q When did your father, Wash, die? A He died in February, '91, about the 19t of 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died 2 years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

By Mr. Hastings:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr. applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified

upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

Signed, T. B. Needles,
Commissioner.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, ad the same is a true and correct copy from the original.

Bruce C. Jones

Subscribed and sworn to before me this 1st of August, 1901.

M D Green

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 20 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

_____

Cher Cherokee Freedmen #

G. D. 823

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190...

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

Subscribed and sworn to before me this .....

.....

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of [redacted] for enrollment as Cherokee citizens:

Case No. D [redacted]

To [redacted]

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [redacted] Indian Territory, on [redacted] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [redacted]

[redacted]

Attorneys for the Cherokee Nation.

File with Cherokee Freedmen D-823, George F. Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation

Appearances:
Mellette A Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation

D. W. VANN, being duly sworn by Commissioner Needles testified as follows:

Mr. Davenport: What is your name? A D. W. Vann.

Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.

Q How old are you? A I am 56 years old.

Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.

Q Did you go out during the war? A Yes, I went out.

Q When did you come back? A I returned in '65, the fall of '65.

Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.

Q Did you know him after the war? A Yes, sir.

Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March, in '68.

Q Where was you living at the time? A I was living at Martha Vann's on Grand River.

Q That a relative of yours? A Yes, sir, she is a first cousin of mine.

Q Well, where was Wash Nave living when you got acquainted with him? A He was living there.

Q Do you know whether or not he had any children? A Yes, sir, he had several children.

Q Do you remember the names of any of them? A Well there was two, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.

Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.

Q Well, how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him, and I traded for a couple of hogs, hogs was scarce in that country.

Q Well, that was the first time that you had seen him since the war and first time you had ever seen him? A Yes, sir

Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Choctaw Nation, I was working.

Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.

Q Who did the family belong to before the war, if you remember?

A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.

Q That was afterwards Moss? A Old Aunt Mary Nave, my father's

master.

Q How as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.

Mr. Smith: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.

Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.

Q On whose place? A Aunt Martha Vann's place.

Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.

Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.

Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.

Q You don't know then? A No, not exactly the number of children.

Q Do you know what the names of any of the children was? A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken, Reuben and Dave, they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.

Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.

Q Wasn't over five or six years old? A Yes, sir, I suppose he was.

Q About five or six? A Well I can't say exactly how old he was.

Q Well, he wasn't big enough to make a hand? A Well I don't remember him plowing.

Q You think you would have remembered it if he had plowed? A Why yes I guess I would.

Q Well now was that all there was to it, just the man and the woman and thoser children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.

Q Can you remember the number of wagons they had? A No, sir, I can't state.

Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.

Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.

Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk with and had the trade with.

Q But you can't state, it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say pretty certain that he did.

Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.

Q You believe you can? A Yes, sir.

Q Well, where was it that he told you that? A He told me that on the place.

Q That was now what time in '68? A That was in the spring of '68.

Q That was three years after the war, about three years after the war closed? A Yes.

Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.

Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.

Q You don't know all the places he lived in the Cherokee Nation

after the war? A Well he settled a place right below there in that same neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.

Q They been living here in the Cherokee Nation ever since you first knew them, haven't they? A Yes, sir.

Q Did you ever testify before any other Court than this Court in this case? A Yes, sir.

Q Where was that? A It was before the Kern Court I think.

Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.

Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.

Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.

Q I say that didn't have anything to do with where they came from? A No, sir.

Q Do you know a man named George Vann? A Yes.

Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.

Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him, but I used to know him, they called him Sleepy George, is it?

Q The one that lives up here in this district, Gooweescoowee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.

Q Is that the one you know? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.

Q Where does he live now? A I don't know where he lives: this George Vann is a fiddler, I guess I know him.

Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.

Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.

Q Was he around Vann's a good deal? ~~A~~ Thay people there? A Yes he was around Rowes and Williams, they were some of his connections.

Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.

Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewhere along after the war a short while.

Q Short while after the war? A Yes, sir.

Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.

Q I don't know whether it is Joe Ross or not. A Yes, that is the man.

Q Is he living or dead? A He is dead.

Q How long has he been dead? A I can't state, he has been dead several years.

Q Died since '96 did he? A Well I can't say positive when he died, I never kept no count.

Q Where was J. M. Ross in February of '67? A I can't say.

Q Where was he during the ~~war~~ year of '67, if you know? A I can't say positive where he was.

Q Do you know where he was in the year '66? A No, sir.

Q When did you first see him after the war? A I can't say when positive, when I saw him.

Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that ~~that~~ Miss was living there, I think maybe that was the first time I saw him.

Q You don't recollect on that point, do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to W. C. Ross, Judge Henry Ross? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Ross? A No, sir
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on - -
Q I mean before you went out, that fall? A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next? A I came back the latter part of the summer of '68.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
A I have been here ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

****

Taking of testimony continued by Stenographer J. O. Rosson.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

October 31st, 1901.

WASH NAVE, JR., taking od Testimony continued. Former portion taken by Stenographer Bruce C. Jones.

S. H. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT: What is your name? A S. H. Mayes.
Q Where do you live, Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you livedin the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Aleck Vann.
Q Do you know whetheror not he went out during the war?
A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you you moved back to the Cherokee Nation you say in 1867 what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q There was he then? A He was at my mothther's-in-law, Mrs. Vann's.
Q Did he have his family with hi m? A Yes, si r, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them the old man and all the family.
Q What were their name? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well, did you have any conversation with old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the ye r was it you saw Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why, he had only recently come in there.
Q He was livint there, settled down when you saw him? A Mhiving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was campted there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir? I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I know Joe Ross, I know J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I canIt say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper #? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand river?
Q That was on Grand river where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission?
A Yes, sir.
Q Did you state before that Commission that the first time you saw here was in '69? A No, sir, if I did- I know I didn't because that was not the frst time I ever saw him; I know Wash Nave before I lived right by him in Flint district.
Q Did you know George W. Vann a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distingush him George here, we used to call him George Springcreel, Springcreek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places:
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I know he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's prairie on Springcreek called him Springcreek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline district hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?

A Yes, sir.
Q Did you see him shortly after the war? A Yes, sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which come first, do you know? A Let's see; I will have to study a little on that; I believe Mayes, the best of my recollection, you see it has been a good while off and I was young.
Q Well, where did wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand river.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint district, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well, some ti me during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile creek in '65 and after I left that place I came up here on Grandriver in '66.
Q What time in the year of '66? A It was as near as I remember in the fall.
Q Q Where did you locate what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile creek?
A Why I only remained there about a year.
Q What time did you go there? A It was someti me it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raise d t here? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A Du ring the war, and then after I left there I went to Fourteen Mile creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile creek? A Yes, sir.
Q And then up on Grand river? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well, how, how long after you moved down here before you saw Wash?
A Well, as near as I could recollectin about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw hi m? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, si r, I don't recollect whether I

did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.
MR. SMITH: Mr. Adair, you are certain about that, which came first Mayes or this man? A No tpositive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice didn't he? A I don't know.
Q Mayes came in '66 and he came again after that? A I don't know about that.
Q But you can't be certain now as to which of the two got there first? A It seems to me like Mayes got there first.
Q But you are not positive? A No, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q Born and raised here? A Yes, sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the houe or camp out? A They moved in the house, I think there was some houses there.

Com'r Needles. This testimony will be made part of the record in the original case, Freedman D. #815, and also part of the record in D.#821, 822 and 823.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
RECEIVED
NOV 18 1901

ACTING CHAIRMAN

File with Cherokee Freedman D-823, George P. Nave.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Henry C. Ross.
Q Where do you live, Judge Ross? A Locust Grove, Cherokee Nation.
Q How long have you lived there? A All my life.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Where were you living, Judge Ross, in June, 1896?
A Living right where I am now.
Q Did you hold any official position at that time? A I did.
Q What? A District judge.
Q District judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him? A That is Joe Ross' handwriting.
Q Did he swear to it before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposes to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered today will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

To be filed with F.D-823.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. Hastings: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871, " from Saline District, as follows, No.80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation. (Before the Commission on Citizenship July (13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of

the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My. Name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now do you think that the last clause of this offer last made is the form in which Wash Nave made application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of those records, and they, at the request of the Chief, gave these records to we attorneys, representing the Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record-

MR. SMITH: The applicant furthermore objects to the offer of above entries bacause a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all of these applicants.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes do hereby certify on my official oath that the foregoing is a true and correct copy of the testimony taken in the above case.

Mabel H. Maxwell.

Subscribed and sworn to before me this 15th day of July, 1902.

Notary Public.

COMMISSION

FILED

AUG 1 1902

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. P. Rowe, D 815;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;
The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:
The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

GX 822.

...MISSION TO THE ... CIVILIZED TR...

FILED

JUN 23 1 ... 2

...

ACTING C...

Cher. Freed. D-822.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 21, 1903.

In the matter of the application of George F. Nave for enrollment as a Cherokee freedman.

Applicant represented by Mellette & Smith; Cherokee Nation by Hastings and Davenport.

Mr. Smith: The applicant offers in evidence a permit to employ white labor, issued by Joe M. Lahey, Clerk of Cooweescoowee District.

Cherokee Attorneys: Representatives of the Cherokee Nation object to the permit being offered and considered as evidence for the reason that no fraudulent violation of the laws of the Cherokee Nation by one of its officers can in any manner whatever establish citizenship for the party to whom the document is issued.

Mr. Smith: In support of the offer counsel respectfully calls the attention of the Commission to the case of the New York Indians against the United States, recorded in the 170th U.S.

The undersigned being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes.

C. R. Johnson

Subscribed and sworn to before me this 16th day of June, 1903.

Notary Public.

P.P.S.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Starr et al. as Cherokee Freedmen, consolidating the applications of

George Starr, et al., ...	Cherokee Freedmen D-613
George Starr, Jr., ...	Cherokee Freedmen D-607
Jane Kernal, ...	Cherokee Freedmen D-606
Nash Nave, Jr., ...	Cherokee Freedmen D-610
Nave Nave, ...	Cherokee Freedmen D-608
Reuben Nave, ...	Cherokee Freedmen D-611
George F. Nave, ...	Cherokee Freedmen D-612

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George Starr, for himself and others, by George Starr, Jr., for himself; by Jane Kernal, for herself, by Nash Nave, Jr., for himself; by Nave Nave, for himself; by Reuben Nave, for himself; and by George F. Nave, for himself.

The evidence shows that George Starr, Jane Kernal, Nash Nave, Jr., Nave Nave and Reuben Nave were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation but returned thereto and established a residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Vann Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Freedmen to said Nation.

The evidence further shows that George F. Nave was born during the rebellion and is the son of Nash. Nave, deceased, who was the slave of a Cherokee citizen at the commencement of the rebellion and who was residing in the Cherokee Nation at the date of the treaty made by and between the United States and the Cherokee Nation in 1866.

The evidence further shows that George Starr, Jr., and Jane Starr have been born since 1866 and are the children of, who claim right to enrollment through, the said George Starr.

The evidence further shows that the said applicants in this have continuously resided in the Nation since their return thereto in 1866.

It is, therefore, the opinion of this Commission that George Starr, Arthur Starr, George Starr Jr., Jane Kernel, Wash Nave Jr., Dave Nave, Reuben Nave and George W. Nave should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898, (30 Stat. 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. . Needles
Commissioner.

(Signed) C.R. Breckinridge
Commissioner.

(Signed) A. . Stanley
Commissioner.

Muskogee, Indian Territory,
this Mar. 8, 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 213, 44 al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of George Starr, et al., granting the applications for the enrollment of George, Arthur, and George Starr, Jr., Jane Kernal, and Wash, Jr., Dave, Reuben, and George F. Rave as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-23

[illegible]

[illegible]

Muskogee, Indian Territory, June 20, 1904.

George F. Nave,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting among others your application for enrollment as Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L-23.
Register.

Muskogee, Indian Territory, June 30, 1904.

Edgar Smith,

Attorney for Geo. Starr, et. al.

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the commission's decision, dated March 5, 1904, granting the applications for the enrollment of George Arthur, George Starr, Jr., Jane Kernal, Wash Nave, Dave Nave, Reuben Nave, and George F. Nave, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-24.

Register.

Cher Fr 1365

Trans. from D 239

See Cher Fr 1366 thru 1373;
D 244-5; R 123

Cher Fr 1365

Sarah A. Martin et al.--------Cherokee Freedmen D 239,
Bettie Robinson----------Cherokee Freedmen D 240,
Patsy DeMumber et al.---------Cherokee Freedmen D 241,
Aaron Martin, Jr.,----------Cherokee Freedmen D 242,
John Martin et al.----------Cherokee Freedmen D 243,
Rosa Robinson et al.----------Cherokee Freedmen D 296,
Jacob Martin et al.----------Cherokee Freedmen D 311,
Sam Martin et al.----------Cherokee Freedmen D 342,
Eliza Carbin et al.----------Cherokee Freedmen D 727.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matterof the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a CherokeeFreedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Cooweescoowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams..
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
W. W. Hastings: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you come? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a CherokeeFreedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do,you know Sarah Ann Martinhere, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.

Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever sincethe fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisified that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them ~~there~~ all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all lived there.
Q How long after she come down? A It hadn't been very long; the way it happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
W. W. Hastings: Were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you come, did your husband come? A About a year.
Commissioner: Did you draw for Dcie? A No sir, I didn't draw for Dcie; his name got misplaced.

S- S. A. M.

Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said, Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, S - 335, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of May, 1901.

~~Commissioner.~~

Notary Public

COMMISSION

JUL 19 1961

Aaron Mar

Phoebe

Mary and

Phoebe

Mary and Phoebe

Mary and Phoebe

To be filed with case of Sarah Ann Martin et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Aaron Martin for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin.
Q How old are you, Aaron? A I guess about 67 or 68.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I think there are three on the roll with their mother.
Q Has their mother been here? A Their mother is dead.
Q What are the names of the three children? A Frances Martin.
Q How old is Frances? A 13.
Q The next one? A Neely.
Q How old is Neely? A About 9.
Q The next one? A Phoebe.
Q About how old is Phoebe? A About 7.
Q What was the mother's name of these children? A Cora Adams.
Q Her name was Cora Adams before she married you? A Yes sir.
Q About how old would Cora be if she were alive? A I don't know sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know, sir; it ought to be.
Q Have you ever applied to be enrolled by any other tribe or nation? A No sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you receive your money known as the Cherok-e Strip money? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118, No. 2939, Aaron Martin, Delaware District.

Q Aaron, were you a slave before the war? A Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A To Kansas.
Q When did you return from Kansas after the war? A In '66.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No, sir.
Q Did you ever apply to the Cherokee Council to have your name placed on the roll of 1880? A No sir, I didn't.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Cap Hicks, and Andrew Frey.

W. W. Hastings: Where did you come to when you come back? A I come to Dr. Thompson's place over there to Grand River.
Q Are you a blacksmith? A No sir.
Q Another Martin is a blacksmith? A Yes sir.

Q Who was living down there at the Thompson place when you come back? A Why Mr. Jesse Cochrum was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A I stayed there until along sometime about Christmas, I reckon; I went down to Sap Hicks' mother then.
Q About what time did you come down to the Cherokee Nation after the war - what time in '66? A It was some time in the fall.
Q You have lived there ever since? A Yes sir.

Andrew Frey, being sworn and examined by Commissioner T. B. Needles, on part of the applicant, testified as follows:
Q Is your name Andrew Frey? A Yes sir.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q Do you know Aaron Martin? A Yes sir.
Q How long have you known him? A Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A Yes sir.
Q Where? A He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A Yes sir.
Q Did he go out of the Cherokee Nation during the war? A Yes sir.
Q Where did he go? A He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay at one place long.
Q Did he return? A Yes sir.
Q In what year? A In '66.
Q Are you any relation to him? A No sir.
Q Was he married at that time? A Yes sir.
Q Was his family with him? A Yes sir.
Q Did his family return with him? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Mary Clark.
Q Were you in Kansas with Aaron Martin? A Yes sir.
Q Did you return with him? A Yes sir.
Q Have you known Aaron Martin well since that time? A Yes sir.
Q Has he lived in the Cherokee Nation since? A Yes sir.
W. W. Hastings: You say he come back with you? A Yes sir.
Q Who else come along? A There were lots of others, I don't recollect now who all came along; there was a big crowd of us.
Q Well, name some of the rest of them? A Peter Williams.
Q Anybody else? A Tobe Schrimsher, Jake Martin's family.
Q Anybody else? A I don't know who else.
Q That is all you can remember? A Yes sir.
Q What time in the year did he come back? A He come back - we got back over to Dr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there? A No one at all.
Q You are positive about that, are you? A Yessir, no one at all there.
Q That was in October, '66? A Yes sir.
L. E. Ball: Who got back there first, you or Judge Daniels' family? A Me.

Filmore Hicks, being sworn and examined by Commissioner Needles, on part of the applicant, testified as follows:

2- A. M.

Q What is your name? A Filmore Hicks.
Q What is your age? A 53.
Q What is your postoffice address? A Vinita Now.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know the applicant, Aaron Martin? A Yes sir.
Q How long have you known him? A I have known him about nearly forty years I reckon; I knew him before the war.
Q Was he a slave? A Yes sir, I suppose he was.
Q Who did he belong to? A John Martin.
Q Do you know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was; he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A Late in the fall of '66.
Q Where at? A At my mothers.
Q Have you known him since that? A Known him ever since.
Q Has he always lived in the Cherokee Nation since that? A Yes sir.
Q Did he have a family at that time? A Yes sir.
Q Was his family with him? A Yes sir, they were up at Dr. Thompson's place; he come to my mother's and wanted to rent some land.
Q He rented some land? A Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67.
H. H. Hastings: Who farmed it in '76? A Young Wolf, my mother's husband.
Q Did you ever have a renter after you had this fellow? A No, we had some hired hand, not any renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river; I reckon it isn't over three-quarters of a mile.
Q Opposite the mouth? A Just below a little onthe other side of the river.
Q Your mother had a farm there that year? A Yes sir.
Q Are you positive this man tilled land there in the year '67? A Yes sir.
Q Do you know what he cultivated? A He put in corn.
Q About what size farm did your mother have that year? A About 20 or 25 acres.
Q You were at home then with her? A Yes sir.
Q What was your age then? A 17 or 18.
Q Did your mother have any other help besides you? A A boy older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A Not much.
Commissioner of Applicant: Did you draw money for Frances and Nealy? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the names ofthe applicant's two older children are identified thereon as follows:
Page 23, No. 568, Frances Adams, Delaware District.
Page 23, No. 569, Nealey Adams, Delaware District.

Q Are their names Adams or Martin? A Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 216, No. 44, Cora Adam, Delaware District.

4- A. M.

Aaron Martin applies for the enrollment of himself and three children, Frances, Neely and Phoebe. His name is not found upon the approved roll of 1880, but is found upon the Kerns Clifton [illegible] by reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful order. When the Commission arrives at a decision in his case, he will be notified by mail. He avers that his children, Frances, Neely and Phoebe, are the children of Cora Adams, his wife, and the name of Cora Adams is found upon the authentic roll of 1880, and Frances, and Neely are identified on the Kerns Clifton Pay Roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Neely, and Phoebe Martin will be duly listed for enrollment as Cherokee Freedmen. Their names appear upon the Kerns Clifton Roll as Adams, but they are duly identified as the applicants. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said Phoebe.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this 12 day of July, 1901.

Commissioner.

DESCRIPTION OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 11, 1906

Post Office Tahlequah I.T.

District 2000

4. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

11. Name of wife Sarah A. Martin Age 26

Owner's name Mrs. Martin Citizenship Cherokee

Year 96 Page 117 No. 2966 District 2000

Parents:

Father Mike Martin - dead Citizenship

Mother Nellie dead Citizenship

Names of Children:

7. Ica Martin Year — Page — No. — Dist. —

1. Year Page No. Dist.

5. Year Page No. Dist

6. Year Page No. Dist.

7. Year Page No. Dist

8. Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mrs. Sarah A. Martin Stenographer Schoenhausen

2 Cert. & Certificate

Freedmen d 22

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

a citizen of

[illegible] Nation

Approved, May 11th 1901

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
[illegible] 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE. Nation.

of Ida Martin, born on the 1 day of March, 1902.
Here insert name of child

Name of Father: Jake Martin, a citizen of the Cherokee Nation.

Name of Mother: Sarah A Martin a citizen of the Cherokee Nation.

Post-office. Chelsea, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY.
Northern District.

I, Sarah A Martin, on oath state that I am 60 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Jake Martin, who is a citizen, by adoption, of the [illegible] Nation, that a female child was born to me on the 1 day of March 1902, that said child has been named Ida Martin, and is now living.

her
Sarah A Martin
mark

WITNESSES TO MARK
(Must be Two Witnesses)
Henry Pack
[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1902.

My commission expires March 17, 1904

[illegible]
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY
Northern District.

I, [illegible], a midwife, on oath state that I attended on Mrs. Sarah A. Martin, wife of Jake Martin, on the [illegible] day of March, 1902, that there was born to her on said date a female child; that said child is now living and is said to have been named [illegible].

her
[illegible]
mark

WITNESSES TO MARK
(Must be Two Witnesses)
D. N. Martin
[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible] 1902.

Louis A. Brown
NOTARY PUBLIC.

My commission expires March 17, 1904

Number 0. Jobson, being first duly sworn, states that he is employed by the Commission in the capacity indicated by the foregoing and that he has read the foregoing and knows the contents thereof; that the same is true and complete to the best of his knowledge and belief.

Subscribed and sworn to before me this 1st day of [illegible], 1970.

Notary Public

My commission expires:

File with case of Sarah A. Martin,etal.,C.F.-D.#239.

Supl.C.F.-D.#245.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 3d, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Elias Downing as a Cherokee Freedman, introduced on part of Cherokee Nation

APPEARANCES:
Mr. Isaacs, Attorney for applicant;
Mr. W. W. Hastings, of Counsel for Cherokee Nation.

M. M. COUCH, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A M. M. Couch.
Q What is your age, Mr. Couch? A 43.
Q What is your father's name? A Sam Couch.
Q What was your mother's name? A Nancy.
Q What was your mother's maiden name? A Adair.
Q Do you know this colored man here, Alias Downing? A Yes, sir.
Q Did he belong to some of your people? A Belonged to my mother.
Q Where did you go during the war? A Texas.
Q When did you return? A '68.
Q In the spring? A Yes, sir, we left there in the spring.
Q Where was Elias Downing when you left Texas? A We left Elias there.
Q Was he married? A I think he was, I would not say for sure, I think he was married.
Q Were you ever back to Texas after that? A Yes, sir.
Q How long? A Along in '74 or '5, I went back there to school.
Q Was Elias down there then? A Yes, sir, I seen him.
Q You say he was? A Yes, sir.
Q Near what place in Texas? A Close to Milford, near Waxahachie; Milford was our post office.
Q Are you positive as to whether he was married when you went back there? A I think he was, I won't be for sure.
Q Do you know when he left down there? A No, sir.

MR. ISAACS: What are your initials? A M. M. Cough.
Q When did you go to Texas? A We went before the beginning of the war.
Q Well, what year was it you saw the applicant down there? A He was there all the time during the war, up until '68.
Q Did you see him regularly? A Yes, he was up to '68, at the close of the war he was around.
Q What part of Texas were you in? A In Ellis County.
Q What were you doing? A Living there with my folks.
Q Is the applicant any relation to you as a slave? A He belonged to my mother.
Q How many slaves did your mother own, do you know? A There was Elias, Aleck, and Roach, David Roach's children, Aleck and George.
A I think you stated a while ago that you went to Texas yourself?
A I went back after we moved here, I went back there to school; the children all went back.
Q How old were you when you first went to Texas? A About three years old.
Q And you say you remember the number of slaves your mother had there threeyears old? A I didn't say I remembered the number of slaves then, I remembered them in '68 and when we was there a while.
Q How old are you now? A 43./
Q Do you remember the year in which you first went to Texas?
A No, sir.
Q And you went back sometime in the '70s? A Yes, sir.
Q Did you see Elias Downing down there? A Yes, sir.

Q And you were about three years old the first time you went down there, A When we moved there I was small.
Q How did you happen to recollect the fact that the applicant was down there? A I didn't say that I recollect when we went there; up in the '70s I went back.

COM'R NEEDLES: Now you were three years old when you went there?
A Yes, sir.
Q What year did you go? A We went at the beginning of the war, I don't recollect just what year it was we went there.
Q Along about '61? (No response.)
Q How old were you in 1868 then? A I was about ten years old.
Q Do you recollect this man distinctly? A Yes, sir, he was around teaming for us, was a driver all the time.
Q Did he live with the family continuously from the time your folks took him down there until 1868? A To the best of my recollection; he was an ox driver and one time I remember himxx being around was when they went to Mexico.
Q You left there in the spring of 1868? A yes, sir.
Q And went back in the spring of what year? A About '72 or '3.
Q Was this man Elias Downing there then? A Yes, sir.
Q Working for your people? A No, sir, he was there in the same neighborhood.
Q Your people didn't go back with you? A My people ~~left~~ lived here at the time, my mother lived here and my father's folks all lived there.
Q Your mother's folks come here in 1868? A Yes, sir we moved up here in 1868.
Q When you went back there in 1872 or '3 Elias was still there?
A Yes, sir.
Q Was he in town or out in the country A He was out in the country.
Q You saw him? A Yes, sir.
Q Recognized him? A Yes, sir.
Q You don't know whether he was ever in the Cherokee Nation in the meantime or not? A No , sir.
Q Do you know whetherhe w as in the Territory before 1868 or not?
A No, sir.

MR. ISAACS: Did you miss him out of Texas in '66 A No
Q Did you remember him; that i s, having seen him in '66?
A No, I would not be sure that I seen him there; they was freighting all the time and if he ever left I didn't know it. Of course they was gone over there to Mexico and back, it would take a good while to make the trip.
Q During the year '65 you were about five years old were you not?
A Yes, sir.
Q Do you remember anything about the applicant's age about '66?
A No, sir.
Q Was he married? A I wouldn't say for sure whether he was married or not. He was not married in '66.

MR. HASTINGS: You were born you say in 1858? A Yes, sir.
Q Well in '65 you would be eight years old wouldn't you, instead of five? (No response.)

COM'R NEEDLES: Is your mother living? A No, sir.
Q Father? A No, sir.
Q Have you any brothers or sisters older than you? A No, s r, I am the oldest child.

This testimony will be filed with the papers, and copy thereof will be filed with Freedmen doubtful cards #239, #246, and #308.

---oooOOOooo---

I, the [illegible] first duly sworn, states that as stenographer [illegible] to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. Pearson

Subscribed and sworn to before me this October 14th, 1901.

Commissioner.

DEC 23 1901 RECEIVED

[illegible]

[illegible]

[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Bettie Robinson for enrollment as a CherokeeFreedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Bettie Robinson.
Q How old are you? A About 48.
Q What is your postoffice? A Catale.
Q What district do you live in? A Coowescoowee
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just myself, I guess; my children have been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, I know it aint.
Q It is on any of the other rolls of the Cherokee Nation? A Yes sir, I drawed three payments.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.

Q Did you draw your strip payment money ? A Yes sir.
Q By the name of Bettie Martin? A Yes sir.
Q Are you sure you drew this money? A Yes sir, and my two children.
Q How much? A One hundred and eighty some odd dolars.
Q What children? A Eliza Foster and Jake Martin is all the children I got.

The Kerns Clifton Roll examined and the name of the applicant is found on page 114, No. 2848, Hetty Martin, Tahlequah District.

Q You say your husband is named Robinson? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A James W. Robinson.
Q Is he a citizen? A He is one of the free darkies.
Q Is he living? A Yes sir, he is living.
Q Have you any children under 21 years of age? A No sir.
Q You only apply for yourself then? A Yes sir.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q What relation are you to Aaron Martin? A He is my uncle.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Were you taken out of the country during the war? A Yes sir.
Q Where to? A I went with ma and pa in Kansas; I was small.
Q This Sarah Ann Martin who has just been to the table before you is your mother, is it? A Yes sir.
Q When did you come back from Kansas to the Cherokee Nation? A Come in 1866.
Q How old were you then?A I was about six or seven years old.
Q You have been living in the Cherokee Nation ever since 1866? A Yes sir, ever since.
W. W. Hastings: You come back with your mother, did you? A Yes sir.
Q Where did your mother come? A Out there in Coowescoowee where I am living now.
Q Lived in the Cherokee Nation ever since? A Yes sir.

The applicant applies for the enrollment of herself as a Cherokee Freedman. She avers that she is the child of Jake and Sarah Ann Martin, and that her maiden name was Bettie Martin; she is now married to one James W. Robinson, consequently her name at the present time is Bettie Robinson; her name cannot be found upon the authenticated roll of 1880, nor the census roll of 1896, but her name is found upon the Kerns Clifton Pay Roll. She avers that she was a slave, taken out of the Cherokee Nation, at the age of six or seven years

she returned in 1866; she is the daughter of Sarah Ann Martin, and the testimony taken in the application of Sarah Ann Martin, D - 239, for the enrollment of herself is referred to and will be made a part of the record in this case. Her name will be placed upon a doubtful card awaiting further consideration by this Commission. When the Commission arrives at the conclusion in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 14th day of May, 1901.

Commissioner.

Notary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Patsy Demumber for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Patsy Demumber.
Q How old are you? A 31.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A One child.
Q What is the name of your child? A Johnnie Martin.
Q How old is he? A 15 years old.
Q What is your father's name? A Jake Martin.
Q He living? A No sir, he is dead.
Q What is your mother's name? A Sarah Ann.Martin.
Q She living? A Yes sir.
Q Is your name on the roll of 1880? A I don't know sir; I guess not.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation exained and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, #3911, Patsy Martin, Cooweescoowee.District. Applicant's child not identified thereon.

Q You didn't draw for your son, Johnnie? A No sir, his name wasn't found.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Is your husband a citizien? A No sir.
Q When were you married? A Five years ago.
Q You don't know anything about your mother coming back to the Cherokee Nation? A No sir.
Q Who is the father of Johnnie Martin? A Jim Martin.
Q John Martin was born before you married your husband? A Yes sir.

Patsy Demumber applies for the enrollment of herself and Johnnie Martin, 15 years of age. Her name is not found upon the authenticated roll of 1880, but she is duly identified on the Kerns Clifton Pay Roll. She avers that she is the daughter of Jake and Sarah Ann Martin. The name of her child Johnnie, is not found upon the pay roll nor any roll in the possession of this Commission. Reference is made to the testimony taken in the case of her mother, Sarah Ann Martin, Card D - 239, which record will be made a part of the record in this case. Consequently, Patsy Demumber and her child, Johnnie Martin, will be listed for enrollment upon a doubtful card for further consideration of the Commission. When the decision of the Commission is made, applicant will be notified by mail. It will be necessary for her to file with the Commission satisfactory proof of birth of said child, Johnnie, for the fact that his name does not appear upon any roll and not identified.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner.

Notary Public

FD 242

A

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Aaron Martin, Jr. for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin, Jr.
Q How old are you? A 25 years old.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? ACooweescoowee
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A No sir.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q Is your name on the roll of 1880? A I don't know sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw strip payment money? A Yes sir.
Q How long have you lived in the Cherokee Nation?A All my life.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Are you married? A Yes sir.
Q Do you apply for your wife? A No sir.
Q Have you any children? A No sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2909, Aaron Martin, Cooweescoowee District.

Aaron Martin, Jr., applies for the enrollment of himself; his name is not found upon the authenticated roll of 1880, but is identified on the Kerns Clifton Pay Roll. He avers that he is the child of Jake and Sarah Ann Martin, and reference is made to the testimony taken in the case of Sarah Ann Martin for enrollment of herself and child, to be found on D-card 239. Consequently, his name will be placed upon a doubtful card awaiting further examination by the Commission. When the Commission arrives at the decision of his case, he will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of May, 1901.

~~Commissioner.~~

8-1.M.

Were you ever in Reno? A Yes sir.

Have you ever been divorced? A Yes sir.

Anybody here related to Mrs. Martin? A No sir.

State.

Beatrice Martin, plaintiff, sworn and examined on behalf of the plaintiff.

Direct examination.

By Mr. Bartlett:

Q Mrs. Martin, where do you live? A Yes sir.

Q How old are you? A Yes sir.

Q Are you married? A Yes sir.

Q Where was your husband born? A Yes sir.

Q Where was he born? A He is my stepson.

Q Where was your husband born? A Yes sir.

Q Where was he born? A He was born in Kansas

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1902.

In the matter of the application of John Martin for the enrollment of himself and four children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Martin.
Q How old are you? A About 35 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Four children.
Q Wife? A No sir, my wife is dead.
Q What are the names of your children? A Jerome.
Q How old is Jerome? A 11 years old.
Q The next child? A Susan.
Q How old is Susan? A 7.
Q The next one? A Katherine.
Q How old is she? A She is 3.
Q The next one? A Frank.
Q How old is Frank? A One year old.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q Have you ever been recognized by the tribal authorities as the Cherokee Nation as a Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know sir; I always thought it was.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicantsnot found thereon.

The Kerns Clifton Roll examined and the name of the applicant and his oldest child are found thereon as follows:
Page 117, No. 2908, John Martin, Cooweescoowee District.
Page 117, No. 2907, Jerome Martin, Cooweescoowee District.

Q Did you draw for Susan? A Yes sir, I drawed for her.

The name of Susan Martin is found on the Kerns Clifton Roll as Susie Martin on page 119, No. 2962, in Delaware Dist.

Q You are 35 years of age? A Yes sir.
Q Were you a born slave? A I don't know sir. No sir, I guess not.
Q You don't recollect your mother coming back from Kansas? A No sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q These children of yours alive? A Yes sir.
Q Living in the Cherokee Nation at this time? A Yes sir.
Q What was your wife's name? A Her name was Jennie Downing.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee Freedman? A Yes sir.
Q How old would she be if she were alive? A I guess about 28, I don't know.
Q Is her name on the roll of 1880? A No sir.
Q Are you sure of that? What was her father's name? A Elias Downing.
Q Is he living? A Yes sir.
Q What is her mother's name? A I don't know.
Q Is she living? A No sir, she is dead.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is not found thereon.

2- J. M.

Q Were you married to her? A Yes sir.
Q She is the mother of these children? A Yes sir.
Q Have you any certificate of marriage? A No sir.
Q Anybody here knows whether you were married or not? A My sister.

Bettie Robinson, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Bettie Robinson.
Q How old are you? A About 42 years old.
Q What is your postoffice? A Catale.
Q Do you know John Martin? A Yessir.
Q What relation is he to you? A He is my brother.
Q Did you know his wife, Jennie? A Yes sir.
Q Do you know whether they were married or not? A Yes sir.
Q Did you see them married? A I didn't see them married; Preacher Allen married them.
Q Were they living together as man and wife? A Yes sir.
Q And recognized by the community so? A Yes sir.
Q Did they have any children while they were living together? A Yes sir.
Q Jerome, Susan, Katherine and Frank were born to him while he was living with Jennie, his wife? A Yes sir.

John Martin applies for the enrollment of himself and four children. He avers that he was married to one Jennie Downing, whose name cannot be found upon the authenticated roll of 1880, and he makes satisfactory proof of marriage. Satisfactory proof is made that the children for whom he applies, to-wit: Jerome, Susan, Katherine and Frank, were born to him by his wife, Jennie. He and his two oldest children, Jerome and Susan, are identified on the Kerns Clifton Pay Roll. The two younger children, Katherine and Frank, are not identified on the roll, having been born after the same was compiled; and it will be necessary for him to make satisfactory proof of birth of said children. In the matter of the application of the applicant, reference is made to the testimony of his mother, Sarah Ann Martin, D Card 239, and the testimony in said case will be made a part of the record in the case at bar. The names of said John Martin and his said children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card for further consideration by the Commission. When the Commission decides as to his case, he will be informed of the decision by mail. In the meantime he can present any further testimony he desires in the premises.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

O. H. Kelly Stenographer

Subscribed and sworn to before me this 14th day of May, 1901.

Commissioner.

M D Green
Notary Pub

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15, 1901.

In the matter of the application of Rosa Robinson for the enrollment of herself and two children as Cherokee Freedmen; she being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Q Give me your full name. A Rosa Robinson.
Q Who is it you want to have enrolled? A Myself and children.
Q How many children? A Two.
Q How old are you? A I guess about 23 years old.
Q What is your postoffice? A Catale.
Q In what district do you live? A In Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A Ever since I can remember.
Q All your life? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father? A Jake Martin.
Q Is your father alive? A No sir.
Q How long has he been dead? A I don't know, sir.
Q Give me the name of your mother. A Sarah Ann Martin.
Q Is she alive? A Yes sir.
Q You have been married, you say? A Yes sir, I am married now.
Q Have you been married more than once? A No sir.
Q To whom are you married? A Lucky Robinson.
Q He is alive, is he? A Yes sir.
Q When did you marry him? A I have been married seven years.
Q Is he a state man? A Yes sir.
Q He makes no claim to Cherokee citizenship? A No sir.
Q Did he get out a Cherokee license when he married you? A No sir.
Q Have you a certificate of your marriage? A No sir.
Q Is there anybody here who knows that you and he live together as husband and wife? A Yes sir.

Mose Hardrick, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Mose Hardrick.
Q How old are you? A 71.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Ever since I was born up to the war and after that I com right back.
Q Do you know this applicant here, Rosa Robinson? A Yes sir.
Q What was her name before she married? A Rosa Martin.
Q What was her father's name? A George Bean.
Q You call George Bean her father? A Yes sir.
Q What is the name of her mother? A Sarah Ann Martin.
Q Sarah Ann Martin was at one time married to Jake Martin? A Yes sir.
Q Was she married to George Bean? A They lied together as husband and wife.
Q So Jale Martin was either her father or her stepfather? A Yes sir.
Q How long has this woman been married? A I don't know sir, how long she has been married.
Q What is the name of her husband? A Lucky Robinson.
Q Has she ever been married except to him? A No sir.
Q They are living together as husband and wife? A Yes sir.
Q And have some children, have they? A Yes sir.
Q How may? A I know of two.

The 1880 authenticated roll of the Freedmn of the Cherokee Nation examined, and the names of the applicant, her mother, her father George Bean, her stepfather Jake Martin, are not found thereon.

Commissioner of Applicant: Is George Bean alive? A No sir.
Q How long has hembeen dead? A I don't remember of ever seeing him.

The 1896 census roll of the Freedmen of the Cherokee

DEPARTMENT
MISSION TO THE

Nation examined and the name of the applicant not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2912, Rose Martin, Cooweescoowee District.

The Wallace Roll examined and the name of the applicant is found on page 151, No. 2740, Rosa Martin, Cooweescoowee District.

Q Give me the name of your oldest child? A Nody Robinson.
Q How old is the child? A Five years old.
Q The name of the next child? A ~~Millie~~ Millie Robinson.
Q How old is that child? A She will be one year old in June.
Q Are they both living now? A Yes sir.
Q Is that older child, Nody, on any roll? A No sir, I had her enrolled, but they say she is not enrolled.

The name of the applicant's children not identified on the Kerns Clifton Roll.

Q Where is your mother at this time? A She is at home.
Q How old is she? A I don't know.
Q Do you claim through your mother? A Yes sir.
Q Was yourfather a Cherokee Freedman? A I don't know, sir.
Q But you claim through your mother, Sarah Ann? A Yes sir.

Reference is made in this case to the testimony in the case of Sarah Ann Martin , D - 239, the mother of the applicant, and through whom she claims.

The applicant applies for the enrollment of herself and two children. She states that she has lived in the Cherokee Nation all her life. She is not identified on the roll of 1880 or upon the census roll of 1896; she is identified on the Wallace Roll and on the Kerns Clifton Roll. Neither her mother or father are identified on the roll of 1880. The applicant does not know the nationality of her father, and she claims through her mother, Sarah Ann Martin, Freedman Card D - 239, to which reference is made. The applicant's change of name arising from marriage is established in a satisfactory manner, and also the fact that she is the child of Sarah Ann Martin, and the applicant will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. Neither of her two children, Nody and Millie, are identified on any roll. When the Commission is supplied with certificates of births of these children, both of whom are said to be living, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. The final decision of the Commission will be made known to the applicant at her postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. V. Rothenberger

Subscribed and sworn to before me this 18th day of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 16 1901

Jas. G. Martin - 4.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this 15th of May, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Jacob Martin for the enrollment of himself and one child as Cherokee Freedmen.

Jacob ~~Martin~~ Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jacob Martin.
Q How old are you? A Close to 23 or 24.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Goowoescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and one child.
Q What is your wife's name? A Bertha Bryant.
Q How old is she? A I don't know how old she is now, about 18 I guess.
Q What is the name of your child? A Lady.
Q How old is Lady? A It is only four months old
Q Have you been recognized by the Cherokee Nation as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q You know it is not? A Well, I don't know whether it is on there or not.
Q What is your father's name? A Fred Martin.
Q Is he living? A Yes, sir.
Q What is your mother's name? A She was a Martin but she is a Robertson now, Betsy Robertson.
Q What is your wife's father's name? A Eph Bryant.
Q Is he living? A No, sir, he is dead.
Q What is her mother's name? A Mary Martin, all I know.
Q Is she living? A Yes, sir.
~~Q Is she here?~~ A [illegible] at home
Q Is your father living? A Yes, sir.
Q Your mother? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q What testimony have you got as to your father's citizenship?
A He is here, Fred Martin, or Juno Martin; there she sits right over there.

Juno Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Juno Martin.
Q How old are you? A I am about ninety something.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I guess I am.
Q Is your name on the roll of 1880? A No, sir.
Q Do you know the applicant here, Jacob Martin? A Yes, sir.
Q What relation is he to you? A A grandson.
Q Is he the son of Fred Martin? A Yes, sir.
Q Is he living? A Yes, sir.
Q Where is he, do you know? A He is out there somewhere.
Q Are you the mother of Fred Martin? A Yes, sir.
Q Was he a slave, Fred Martin? A Yes, sir, a little while; he was so small at the breaking out of the war, nothing but a boy, a baby.

CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 16, 1901.

In the matter of the application of Jacob Martin for the enrollment of himself and one child as Cherokee Freedmen.

Jacob Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jacob Martin.
Q How old are you? A Close to 23 or 24.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and one child.
Q What is your wife's name? A Bertha Bryant.
Q How old is she? A I don't know how old she is now, about 18 I guess.
Q What is the name of your child? A Lady.
Q How old is Lady? A It is only four months old
Q Have you been recognized by the Cherokee Nation as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q You know it is not? A Well, I don't know whether it is on there or not.
Q What is your father's name? A Fred Martin.
Q Is he living? A Yes, sir.
Q What is your mother's name? A She was a Martin but she is a Robertson now, Betsy Robertson.
Q What is your wife's father's name? A Eph Bryant.
Q Is he living? A No, sir, he is dead.
Q What is her mother's name? A Mary Martin, all I know.
Q Is she living? A Yes, sir.
Q Is she here? A No, sir, she is at home.
Q Is your father living? A Yes, sir.
Q Your mother? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q What testimony have you got as to your father's citizenship?
A He is here, Fred Martin, or Juno Martin; there she sits right over there.

Juno Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Juno Martin.
Q How old are you? A I am about ninety something.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I guess I am.
Q Is your name on the roll of 1880? A No, sir.
Q Do you know the applicant here, Jacob Martin? A Yes, sir.
Q What relation is he to you? A A grandson.
Q Is he the son of Fred Martin? A Yes, sir.
Q Is he living? A Yes, sir.
Q Where is he, do you know? A He is out there somewhere.
Q Are you the mother of Fred Martin? A Yes, sir.
Q Was he a slave, Fred Martin? A Yes, sir, a little while: he was so small at the breaking out of the war, nothing but a boy, a baby.

Q He has got a boy 24 years of age? A Well, he was small at the breaking out of the war.
Q Fred was? A Yes, sir.
Q Who did he belong to? A Lewis Ross.
Q Was he taken out of the country during the war? A No, sir, we didn't go out of the country at all, never was out of the country.
Q Well, his name isn't on the roll of 1880 is it? A I guess it is, it ought to be, all the family is all together.
Q You know Nelson Martin? A Yes, sir.
Q Is he the son of Fred? A Yes, sir.
Q Is Nelson Martin the brother of Jacob? A A half brother.
Q By the same mother? A No, sir, different mothers.
Q Do you know his wife Bertha? A Yes, sir, I know I have seen her.
Q Do you know who her father and mother were? A Charles Martin I think it was, I am not sure.

Fred Martin, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Fred Martin.
Q How old are you? A 43.
Q Your post office is what? A Spavinaw.
Q Do you know the applicant Jacob Martin? A Yes, sir.
Q Is he your son? A His mother said he was.
Q Have you any doubts about it? A No, sir.
Q What was his mother's name? A Beaty Martin.
Q Well, was Betsy Martin your first or second wife? A She wasn't my wife at all.
Q Well you were never married then to the mother of Jake Martin?
A No, sir, we were not married.
Q Were you married to the mother of Nelson Martin? A Yes,sir.
Q Jake Martin was your oldest child; who was the mother of Jacob Martin? A Betsy Martin.
Q Is she living? A Yes, sir.
Q Is she here? A No, sir, she isn't here.
Q Was Betsy Martin a slave, do you know? A I don't know whether she was a slave or not; I think you have her case under consideration in the Aaron Martin family.
Q What relation was Aaron Martin to Betsy, the mother of Jacob?
A Uncle.
Q Do you know anything about Jacob's wife, Bertha? A In regard to her citizenship, no sir, not in '66 I don't; I know something in regard to his wife since then though.
Q Well, her mother was named Martin, was it? A Yes, sir.
Q Is she in the Aaron Martin family? A No, sir, she is in Charles Martins family.
Q Has Charles Martin been here? A He hasn't been up to be enrolled yet.
Q Is he the father of Mary? A Yes, sir.
Q He is here and not been enrolled yet? A Yes, sir, I think he is aiming to come in today as soon as he gets a chance to come in.
Q Sarah A. Martin, as I understand, was the mother of Betsy?
A Yes, sir.
Q She appears to have a son named Oce? A Yes, sir, he is the uncle of this boy.
Q I thought Sarah Ann was the mother of this boy? A No, sir, Sarah Ann is the mother of this boy's mother, and Oce is a rother to Betsy.
Q Charles Martin is the grandfather of this man's wife? A Yes,sir.

Jacob Martin - 3.

Jacob Martin, recalled, testified:

Commissioner: You will have to put off the enrollment of your wife until Charles Martin comes and gives testimony. The application of Bertha Martin will be deferred until the testimony is taken in the case of her grandfather, Charles Martin.

Q Did you draw the Kerns-Clifton money? A Yes, sir.
The Kerns-Clifton roll examined, and the applicant Jacob Martin identified thereon, page 114, No. 2849, Tahlequah district, as Jake Martin or Robinson.
Q Were you married to Bertha Martin? A Yes, sir.
Q When? A I don't know, sir.
Q Have you got a certificate of marriage? A Yes, sir, I have something.

Commissioner: The applicant presents a marriage license and certificate of marriage certifying that he was married to Miss Bertha Bryant on the 25 day of March, 1899, according to the laws of the United States.
Q Have you got proof of birth as to the children? A No, sir, not here.
Q The child's mother is not here? A No, sir.

Commissioner: The applicant Jacob Martin applies for the enrollment of himself, his wife, Bertha and his child, Lady. The application for the enrollment of his wife is withdrawn. His name is not found upon the authenticated roll of 1880, but he is dully identified upon the Kerns-Clifton roll. He avers that he is the child of Fred Martin by his wife Betsy.
Q Is Aaron Martin your grandfather? A He is my mother's uncle.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
He makes satisfactory proof as to his residence. As to the proof of his citizenship, reference is made to the testimony taken in the case of Aaron Martin, on D card No. 235, and also to the testimony taken in the case of the application of Sarah A. Martin, being his grandmother.
Q Where is your mother, is she living? A Yes, sir.
Q Has she been enrolled? A Yes, sir, she is right there, Betsy Roberson or Martin one.
Also, reference is made to the testimony taken in the application of his mother, Betsy Martin, on D card 242, and the testimony in said cases will be made part of the record in the present case. He makes satisfactory proof of marriage to his wife, Bertha, and avers that by said marriage he has one child named Lady, four months of age, whose name does not appear upon any of the rolls, having been born after the rolls were compiled. It will be necessary for him to make satisfactory proof of the birth of said child. By reason of the fact that his name is not found upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the Cherokee Nation, said Jacob Martin and his child Lady will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail.

****

Jacob Martin - 4.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 16th of May, 1901.

C. A. Hendricks.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 18th 1901.

In the matter of the application of Sam Martin for the enrollment of himself and four children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sam Martin.
Q How old are you? A. 51 or 2.
Q What is your post office? A. Oceleta.
Q In what district do you live? A Coowescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yessir. I guess so.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any roll? A. The Clifton roll.
Q Who do you want to have enrolled? A. Myself and four children.
Q Apply for your wife? A. No sir not ready to yet.
Q What are the names of your children? A. Moses.
Q How old? A. 12.
Q Next? A. Caroline.
Q How old? A. 8.
Q Next? A. Patsy.
Q How old? A. 5.
Q Next? A, Nannie.
Q How old 2.
Q What is your wifes name? A. Vina.
Q How old is she? A. She must be 32.
Q What is her fathers Name? A. Think it is Robinson.
Q Do you wike her mothers name? A. Nancy Robinson.
Q Is Vina the mother of these children? A. Yes sir.
Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. No sir, she was married before.
Q When did you marry her? A. 14 or 15 years ago.
Q Have you a certificate of marriage? A. No sir.
Q Who married you? A. A Delaware fellow by the name of Adams.
Q Is he living? A. Yes sir.

Kerns Clifton roll examined, applicant identified as follows
Page 117, No. 2915, Sam Martin, Coowescoocowee dist.
Page 117, No. 2916, Moses Martin, "
Page 117, No. 2917, Caroline Martin, "

Q Are these children all living? A. Yes sir.
Q Was you a slave? A. No sir, my mother was.
Q What is your mothers Name? A. Sarah Ann Martin
Q Is she living? A. Yes sir.
Q Has she applied for enrollment? A. Yes sir.
Q Where were you born? A. On Grand river.
In the Cherokee Nation? A. Yes sir.
Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Do you know anything about your mothers being taken out of the Cherokee Nation during the war? A. No sir, I wasnt born then.
Q Are you a child of Sarah Ann Martin? A. Yes sir.

By Com'r Needles-

Sam Martin applies for himself and four children, towit, Moses, Caroline, Patsy and Nannie; he is not found on the authenticated roll of 1880, but he is duly identified with his two eldest children, Moses and Caroline on the Kerns Clifton roll. He avers that he is married to one Vina Martin, who was a daughter of Nancy Robinson. He makes no proof of marriage. Neither of his two youngest children, Patsy and Nannie are on any roll, consequently he will have to supply the Commission with proof of their birth, and it will be necessary for him to file proof of marriage. Reference is made to the testimony of the case of his mother, Sarah Ann Martin on D. Card 230 and to the testimony in the case of his uncle Aaron Martin on D. Card 235, and the testimony taken in said cases is hereby made a part of this case and copies thereof will be filed with

the record in the case at bar, satisfactory proof is made as to residence, but by reason of the fact that he is not on the roll of 1880 and for the further reason that his enrollment is contested by the Cherokee Nation the said Sam Martin and his children as named herein will be listed for enrollment as Cherokee freedmen as a doubtful card to await the further consideration of the Commission. When a decision is reached he will be notified by mail.

The 1880 and 1896 rolls of the Cherokee Nation examined and the applicants not found thereon.

* * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, and correct transcript of his notes.

Chas von Weise

Subscribed and sworn to before me this the 22d of May, 1901. at Vinita, I. T.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 3 1901

ACTING CHAIRMAN

---oooOooo---

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory, September 3, 1901.

Mr. Milam:

You are hereby notified that I will be at your office at Vinita, Indian Territory, on the 27th day of September, 1901, at 9 o'clock a. m. for the purpose of taking such testimony as may be offered before me in the matter of the application of Mary Ann Boston for the enrollment of herself and minor children as citizens by blood of the Cherokee Nation.

Very respectfully,

Commissioner.

To be filed with case of Sam Martin, C. P. D.#342.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 26th, 1901.

In the matter of the application of Sam Martin for the enrollment of his wife, Viney, and two children as Cherokee Freedmen; said Martin being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Sam Martin.
Q How old are you? A I don't know exactly, about 33 or 34 years old.
Q What is your post office address? A Oseeleta.
Q Coowsescoowee district? A Yes, sir.
Q Who do you desire to have enrolled befores yourself?
A I am done enrolled but I got two children.
Q You are applying for two children? A Yes, sir; my wife and she has got two children.
Q Where is your wife? A She has went out here in the country; she has got sick and I had to send her out there.
Q You say you have been enrolled? A Yes, sir; I enrolled at Vinita.
Q You apply now for the enrollment of your children? A Yes, sir; the two younger ones, I enrolled the two older ones, and she has got two children.
Q Why didn't you apply for your children? A You told me to get t at certificate.
Q What is your wife's name? A Viney.
Q Viney what? A She was Viney Martin; she was Viney Robinson.
Q How old is she? A I had her name before a little bit wrong, her brother is older than she is; he states that she is about 36 years old.
Q When were you married to Viney Robinson? A I don't know, sir, how long it has been.
Q Had she ever been married before? A Yes, sir.
Q Who to? A Israel Martin.
Q How does her name happen to be Viney Tobinson when you married her? A She went by that name; he had went to the Pen and she took her first name.
Q She was married to Israel Martin? A Yes, sir.
Q Her maiden name was Robinson? A Yes, sir.
Q What was her father's name? A I don't know.
Q What was her mother's name? A Nannie Robinson.
Q Is she living? A No, sir.
Q Is Viney's name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What roll? A The Kern-Clifton roll and the Wallace roll.
Q Not on the roll of 1880? A No, sir.
Q What are the names of these two children you want to enroll?
A Cora Martin.
Q How old is Cora? A She is about 17 years ood.
Q What is the name of the next one? A Jesse, he is about 14 yrs I guess.
Q Are these children alive? A Yes, sir.
Q Living with you at this time? A Yes, sir.

By Mr. Hastings: Where is Israel Martin? A Over on Big Creek.
Q That was your wife's former husband? A Yes, sir.
Q Hadn't your wife ever been married before that? A No, sir.
Q Hadn't you been married before you married this woman? A No, sir.
Q Was any divorce between Israel Martin and your wife? A None no more than the way they generally done when a person married them times under Cherokee law when a fellow was sent to the pen, they claim it divorced from his wife.

Q But there was no Court divorce? A No, sir.
By Mr. Smith: Was this man Israel Martin sent to the penitentiary? A Yes, sir.

W. H. ROBINSON, being first duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name? A W. H. Robinson.
Q Where do you live, Mr. Robinson? A I live in Cooweescoowee district, about five miles north of here.
Q Are you the same William HL Robinson who applied before this Commission at Chelsea? A Yes, sir.
Q Do you know this man upon the stand here, Martin? A Yes, sir.
Q Is he related to you in any way? A By marriage only.
Q What relation? A Brother-in-law; married a sister of mine.
Q What was her name? A Melvina Robinson.
Q Is your younger or older than you? A Younger.
Q Where does she live? A She lives now about 25 miles wezt of here, Nowata.
Q Has she any children? A Yes, sir.
Q What are their names? A I don't know as I can call their names exactly, I think one is called Mose and one Vadie and one called Caroline and I forget the other's one's name.
Q Would you know it if you would hear it? A Yes, sir.
Q Well did she have any children, Mr. Robinson, before she married this man, Martin? A Yes, sir.
Q How many did she have? A Twoe.
Q Now, you called the names of Mose and Carol9ne and what other names did you call? A Seems to me like her name Vadie.
Q Did you know one Patsy? A She has two younger children, I don't know their names.
Q Well, do you remember the names of the older; first she had been, she married this man Martih? A No, sir, I don't believe I can call the names, they live quite a ways from me and has ever since they was born.
Q Is Melvina a full sister of yourself? A Yes, sir.
Q You testified in the case of your brother, John Wesley Robinson, did you? A Yes, sir.
Q Do you remember whether you mentioned the name of your sister, Melvina Martin, in that case? A Yes, sir.
Q With reference to the time that you came back to the Cherokee Nation when did Melvina come? A She come back as we come back.
Q What was your father's name? A Lumford Robinson.
Q What was your mother's name? A Ann Robinson.
Q Who are your brothers and sisters? A Tobe they call him, J. W. Martin, Margaret, Melvina, Josephine and Mary.
Q Are they all living? A No, sir.
Q Which ones are dead? A Mary.
Q Josephine living? A Yes, sir.
Q What is her name now? A Josephine Martin.
Q And the otherone you mentioned, what is her name?
A Martha, Margaret.
Q Is she married? A Yes, sir, she has been, her and her husband separated, her name is Hill.
Q Are all of these children whose names you hav stated with you at the time you returned to the Cherokee Nation or only a part of them? A They all came back.
Q All came together? A Yes, sir.
Q State whether they all lived up to the time they were grown, up to the time th after they came back to the Cherokee Nation? A They all lived with my father, of course, we all kept by mother until we got to be grown of course he died before the younger children got of age; they were quite small when he died and consequently mother kept them several years before she died.
Q Where did your father die? A He died in saline district, Cher-

okee Nation.

By Mr. Hastings: In what year did your father die? A He died about 25 years ago, that was '75 I believe.
Q On what place did he live? A He was staying with me at the time with me at the time of his death.
Q Where was your mother at that time? A She was with the children.
Q Where were they? A On Big Creek.
Q How long had she been living at Big Creek at that time?
A She must have been living there eight or ten years.
Q Where was this girl born, Melvina? A She was born in Kansas.
Q In what town? A Fort Scott.
Q What is the other, next younger than she? A Josephine.
Q Where was Josephine born? A Josephine was born in the Cherokee Nation.
Q Where? A Cabin Creek.
Q How long had your parents been living there when Josephine was born? A Oh, three or four months.
Q How old is Josephine? A Josephine is 34 I believe, 33 or 4 as well as I can remember, I don't know the ages exactly.

The 1880 authenticated roll and 1896 census roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, as follows:

Page 122, #3026, Melvina Robinson, Cooweescoowee district, 30 years of age.

WITNESS: I made a mistake in calling the oldest child's name, it is Cora instead of Vadie.

Page 119, #2948, Cora Martin, Delaware district.
Page 118, #2944, Jesse Martin, Delaware District.

Name of applicant's wife's sister appears upon the Kern-Clifton roll, page 122, #3027, Josephine Robinson, Cooweecoowee district, 28 years of age.

COM'R NEEDLES: Samuel Martin applies for the enrollment of his wife, Melvina, and her two children, Cora and Jesse. He avers that Melvinta Martin was the former wife of one Israel Martin and has no knowledge of any divorce of said Melvina Martin from her husband, Israel Martin, who was the father of the children for whom he applies, viz: Cora and Jesse. He avers that the said Melvina Martin is a sister of William H. Robinson, her maiden name having been Robinson and William H. Robinson, is entolled upon doubtful card #674, and the testimony taken in the matter of the application of William H. Robinson will be made part of the record in the case at bar and a copy thereof filed herewith.

It is ordered that the testimony of Samuel Martin taken in the present application as to the marriage of his wife to Israel Martin and her marriage to himself be made part of the record in the case of the application of Samuel Martin for the enrollment of himself and his children, who are listed for enrollment on doubrful card #342.

The said applicant makes satisfactory proof as to the residence of said children for whom he applies and also as to his wife, consequently Melvina Martin and her children, Cora and Jesse, will now be listed for enrollment upon a doubtful cardas CherokeeFreedman. Said applicant will be duly notified at his post office address of the action of the Co mission in the premises.

MR. SMITH: Applicant offers Section 692 of the Compiled laws of the Cherokee Nation, which by agreement of Counsel will be referred to.

---oooOOOooo---

J. O . Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rossen

Subscribed and sworn to before me this 27th day of August, 1901

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 28 1901

Acting Chairman.

Ind R 124 Sanford Carbin

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 15th 1901.

In the matter of the application of Sanford Carbin for the enrollment of himself, his wife and five children, (two of them being step children) as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sanford Carbin.
Q How old are you? A. I am about 33.
Q What is your post office address? A. Chelsea.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. My wife and children.
Q What is your wifes name? A. Eliza Foster before I married her.
Q How old is she? A. 26.
Q How many children have you? A. 5.
Q What are the names of your children? A. Lewis Foster.
Q How old is he? A. 13.
Q Next one? A. John Foster.
Q How old is he? A. 10.
Q The next one? A. Hattie Carbin.
Q How old? A. 5.
Q Next? A. Henry Carbin.
Q How old? A. 3.
Q Next? A. Rubie.
Q How old? A. 4 weeks.
Q Is your name on the 1880 roll? A. No sir.
Q What is your fathers name? A. Felix Carbin.
Q He living? A. Yes sir.
Q Has he been enrolled? A. No sir he didn't apply yet.
Q What is your mothers name? A. Melsie.
Q Is she living? A. Yes sir.
Q Has shebben enrolled? A. Yes sir.
Q Is your wife on the 1880 roll? A. No sir.
Q What is her fathers name? A. Bob Foster.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Betsy Robinson.
Q Is she living? A. Yes sir.
Q Does your wife claim through her father or mother? .A Mother.
Q Robinson is her mothers name now is it? A. Yes sir.
Q Has she been before us? A. Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On th Wallace roll.
Q Did you draw strip money? A. No sir.

The Wallace roll examined and the name of the applicant found as follows- Page 188 No. 2309, Sanford Cobbin, Coowescoowee district.

Applicant not on the 1880, 1896 or Kern Clifton rolls.

Q Did you draw strip money for these children? A. No sir, my wife drew for her and her children.
Q Was you ever married before you married Eliza? A. No sir.
Q Was she ever married before she married you? A. No sir.
Q Are these children all living now? A. Yes sir.
Q Are they living with you? A. No sir not all of them.
Q Are you and your wife living together? A. Yes sir.
Q Where are the children? A. Two are with their grandmother and the others is with me.

The Kern Clifton roll examined and the name of the applicants wife and step child identified thereon as follows:
Page 115, No. 2650, Eliza Foster, Tahlequah district.
Page 115, No. 2651, John Foster, Tahlequah district.

Q Is Lewis your child? A No sir.
Q Is John yours? A No sir.
Q They are named Foster? A. Yes sir.
Q Is Hattie yours? A. Yes sir.
Q Her name is Carbin? A. Yes sir.
Q Is Henry yours? Al Yes sir.
Q Is Rubie yours? A. Yes sir.
Q Your wife had these other two children before you married her? A. Yes sir.
Q But she was never married before? A. No sir.
Q Where were these children born? A. In Cooweescoowee district.
Q They are all living now? A. Yes sir.
Q You claim through your mother Melsie? A. Yes sir.
Q Where were you born? A. I was born in Saline district..
Q Cherokee Nation? A. Yes sir, on the other side of Grand river.
Q Where was your wife born? A. In Saline district.
Q She claims through her mother Betsy Robinson? A. Yes sir.
Q Was your wifes mother ever named Martin? A. Yes sir.
Q Who is this boy John Foster living with? A. His grand mother.

By Com'r Needles,-

Sanford Carbin applies for himself, his wife Eliza, and two children of his wife's, Lewis and John Foster, and three children of his by his present wife,namely, Hattie, Henry and Rubie Carbin. The applicant himself cannot be identified on any of the rolls except the Wallace roll. He avers that he is the son of one Melsie Carbin and he claims his citizenship through his said mother, and upon an examination of the records it is found that the said Melsie has been enrolled on Rejected Card 85, and the testimony taken in the case of Melsie Carbin will be made a part of the record in this case and a copy thereof will be filed herein, and the application of the said Sanford Carbin for the enrollment of himself will be rejected, as he makes no claim other than through his mother, Melsie Carbin. He avers that his wife Eliza is the child of Bob and Betsy Robinson, and he makes satisfactory proof as to the citizenship of his wife and it is found upon an examination of the records that the said Betsy Robinson was listed for enrollment on D. Card #240, and that reference was made in here application to the enrollment of Agren and Sarah A. Martin, who have been enrolled on D. Cards, # 235 and #239 respectively, and the testimony in the case of Betsy Robinson, D-240 and of Sarah Ann Martin D-239 and of Agren Martin D-235 is hereby referred to and the same will be made a part of the record in this case and copies thereof will be filed in this application. The name of John Foster, for whom he applies, swerring that he is the child of his wife Eliza before he married her , is identified on the Kern Clifton roll, but the names of none of the other children applied for are identified on the rolls of the Cherokee Nation now in the possession of the Commission, consequently it will be necessary for him to make satisfactory proof as to the birth of Lewis Foster, Hattie, Henry and Rubie Carbin; and now the said Eliza Carbin,nee Foster, and her five children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and the applicant will be notified of the final decision of the Commission, by mail.

Chas. von Price, being sworn, [illegible] that as stenographer to the Commission to the Five Civilized [illegible] he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereto.

Chas von Price

Subscribed and sworn to before me this the 30th of June, 1901 at Fannin, I. T.

[signature]

Commissioner.

F. B-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 23, 1902.

In the matter of the application of Sarah A. Martin for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-239.

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Sarah A. Martin that it would on the 23rd day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove her right to be enrolled as a Cherokee Freedman. The applicant has this day, to wit the 23rd day of May, 1902, been called and fails to respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of date 1871, as shown from a book taken from the Executive Department of the Cherokee Nation entitled " Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," and from Saline District, as follows:

"Jacob Martin,
Decided against claimant June 9, 1871."

Jacob Martin being the husband of the applicant.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Arthur G. Groninger)

Subscribed and sworn to before me this 7th day of July, 1902.

Notary Public.

R.

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 1st, 1902.

In the matter of the application of Eliza Carbin for the enrollment of herself and children--Louis Forester, John Forester, Hattie Carbin, Henry Carbin and Ruby Carbin--as Cherokee Freedmen.

Supplemental to F-D 727.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

ELIZA CARBIN, being duly sworn, testified as follows:

Examination by the Commission.

Q. What is your name? A. Eliza Carbin.
Q. How old are you? A. 28.
Q. What is your post office address? A. Chelsea.
Q. Where were you born? A. In Saline district.
Q. Cherokee Nation? A. Yes, sir
Q. Have you ever lived outside of the Cherokee nation? A. No, sir; never was out any.
Q. Never have been out in your life? A. No, sir.
Q. Were your children born here? A. Yes, sir.
Q. Lived here all their lives? A. Yes, sir.
Q. What is the name of your husband? A. He is named Sanford Carbin.
Q. Where did you marry him? A. I married over on Prior Creek four miles northeast of Chelsea.
Q. Have you lived with him all the time? A. Yes, sir.

Examination by Mr. Hastings.

Q. Did you go from Canadian to Cooweescoowee? A. I don't know anything about Canadian.
Q. I thought you said you were born in Canadian district. A. I said Saline.
Q. Did you go from Saline to Cooweescoowee? A. I guess so, I was brought here when I was a baby.
Q. Where were you brought from? A. Saline district.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al.------Cherokee Freedmen D 239,
Bettie Robinson----------Cherokee Freedmen D 240,
Patsy DeNumber et al.-------Cherokee Freedmen D 241,
Aaron Martin, Jr.,----------Cherokee Freedmen D 242,
John Martin et al.----------Cherokee Freedmen D 243,
Rosa Robinson et al.--------Cherokee Freedmen D 296,
Jacob Martin et al.---------Cherokee Freedmen D 311,
Sam Martin et al.-----------Cherokee Freedmen D 342,
Eliza Carbin et al.---------Cherokee Freedmen D 727.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin, for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeNumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Mody and Nelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeNumber, John Martin, son of said Patsy DeNumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nody Robinson, Nelly Robinson, Jacob Martin, Lady Martin, Sam Martin, Mose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Mattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
this MAR - 5 1904

United States of America,
Indian Territory,
Northern District. SS

Nelson Lowrey of lawful age being first duly sworn on oath deposes and says that on the 17th day of May A. D. 1902 he mailed a registered letter to Sarah A. Martin at Chelsea I. T. and that inclosed in said registered invelope was a notice, a true copy of which is hereto attached and he attaches hereto the registry receipt from the post Master at Muskogee I. T. and also he receipt on the 24 day of May A. D. 1902 the registry return receipt sign by the said Sarah A. Martin showing that the notice was duly received; which said Registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 26th day of May 1902.

J. C. Starr
Notary Public.

3rd Term. My Commission expires May 22nd 1906.

NO. 239

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss

I do solemnly swear that I delivered a true copy of the within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

MAY 25 1907

Notary Public

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190

Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

NOTICE.

In the Matter of the application of **Sarah A. Martin.**
for enrollment as Cherokee citizens:

To **Sarah A, Martin, Chelsea, I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 23,** , A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May, 17, 1902.**

No. 239.

W. W. Hastings
Jas. S. Davenport
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah A. Martin,
Chelsea, I.T.
Ch rokeeF-D-239
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 238, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Mose, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Nody and Melly Robinson, Patsy De Mumber, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-18

9

Cherokee Freedman
D-239.

Muskogee, Indian Territory, June 30, 1904.

Sarah A. Martin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor child, Ocie Martin, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-43.

Register.

Cher Fr 1366

Trans. from D 240

See Cher Fr 1365 and 1367 thru 1373;
1294; R 123

Cher Fr 1366

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Bettie Robinson for enrollment as a CherokeeFreedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Bettie Robinson.
Q How old are you? A About 42.
Q What is your postoffice? A Catale.
Q What district do you live in? A Coowescoowee
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just myself, I guess; my children have been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, I know it aint.
Q It is on any of the other rolls of the Cherokee Nation? A Yes sir, I drawed three payments.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.

Q Did you draw your strip payment money ? A Yes sir.
Q By the name of Bettie Martin? A Yes sir.
Q Are you sure you drew this money? A Yes sir, and my two children.
Q How much? A One hundred and eighty some odd dollars.
Q What children? A Eliza Foster and Jake Martin is all the children I got.

The Kerns Clifton Roll examined and the name of the applicant is found on page 114, No. 2848, Betty Martin, Tahlequah District.

Q You say your husband is named Robinson? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A James W. Robinson.
Q Is he a citizen? A He is one of the free darkies.
Q Is he living? A Yes sir, he is living.
Q Have you any children under 21 years of age? A No sir.
Q You only apply for yourself then? A Yes sir.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q What relation are you to Aaron Martin? A He is my uncle.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Were you taken out of the country during the war? A Yes sir.
Q Where to? A I went with ma and pa in Kansas; I was small.
Q This Sarah Ann Martin who has just been to the table before you is your mother, is it? A Yes sir.
Q When did you come back from Kansas to the Cherokee Nation? A Come in 1866.
Q How old were you then?mA I was about six or seven years old.
Q You have been living in the Cherokee Nation ever since 1866? A Yes sir, ever since.
W. T. Needles: You come back with your mother, did you? A Yes sir.
Q Where did your mother come? A Out there in Coowescoowee where I am living now.
Q Lived in the Cherokee Nation ever since? A Yes sir.

The applicant applies for the enrollment of herself as a Cherokee Freedman. She avers that she is the child of Jake and Sarah Ann Martin, and that her maiden name was Bettie Martin; she is now married to one James W. Robinson, consequently her name at the present time is Bettie Robinson; her name cannot be found upon the authenticated roll of 1880, nor the census roll of 1896, but her name is found upon the Kerns Clifton Pay Roll. She avers that she was a slave, taken out of the Cherokee Nation, at the age of six or seven years

she returned in 1906; she is the daughter of Sarah Ann Martin, and the testimony taken in the application of Sarah Ann Martin, E - 259, for the enrollment of herself is referred to and will be made a part of the record in this case. Her name will be placed upon a doubtful card awaiting further consideration by this Commission. When the Commission arrives at the conclusion in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. J. Batteiger

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner.

M. D. Green

Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 22 1901

A. T. [illegible] CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 15, 1901

Post Office Tahlequah I.T.

District Illegible

1. Name Illegible Age

Owner's name Citizenship

Year Page 1 No. 117 District C

Parents:

Father Citizenship

Mother Robinson Citizenship

11. Name of wife Bettie Age 42

Owner's name Citizenship

Year R. C. Page 114 No. 2848 District Ark

Parents:

Father Jake Martin — dead Citizenship

Mother Sarah A. " — living Citizenship

Names of Children:

		Year	Page	No.	Dist.
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10					
11.					
12.					

Application made by Bettie Martin Stenographer D. K. Stanwood

No. Can't find Robinson Bettie Martin

X1 . . 1 , 1 = 3 5

[illegible]

[illegible]

[illegible]

To be filed in case of Nettie Robinson.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Cooweescowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come with Aaron? A Yes sir.
T. B. Needles: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you came? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Ben Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognised citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al Lynch, Andy Frey; they all lived there.

Q How long after she come down? A It hadn't been very long; the wat I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
W. W. Hastings: Were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you came, did your husband come? A About a year.
Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 12th day of July, 1901.

Commissioner.

jae

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al.------Cherokee Freedmen D 239,
Bettie Robinson----------Cherokee Freedmen D 240,
Patsy DeMumber et al.-------Cherokee Freedmen D 241,
Aaron Martin, Jr.,----------Cherokee Freedmen D 242,
John Martin et al.----------Cherokee Freedmen D 243,
Rosa Robinson et al.---------Cherokee Freedmen D 296,
Jacob Martin et al.---------Cherokee Freedmen D 311,
Sam Martin et al.-----------Cherokee Freedmen D 342,
Eliza Carbin et al.---------Cherokee Freedmen D 727.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin, for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeMumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Nelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Celia Martin, Bettie Robinson, Patsy Dellumber, John Martin, son of said Patsy Dellumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nedy Robinson, Molly Robinson, Jacob Martin, Lady Martin, Sam Martin, Neve Martin, Caroline Martin, Fanny Martin, Hannah Martin, Eliza Carbin, Louis Foster, John Foster, Katie Carbin, Henry Martin and Ruby Carbin should be enrolled as Cherokee freedmen, in accordance with the provisions of Section Seventeen of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,
this MAR - 5 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Bettie Robinson,
Catale, I.T.
Cherokee F-D-240
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 230, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 8, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Osie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Rose, Caroline, Patsy and Mannie Martin, Bettie, Rosa, Nedy and Nelly Robinson, Patsy De Number, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedman.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-18

Cherokee Freedman
D-240.

Muskogee, Indian Territory, June 20, 1904.

Bettie Robinson,

Catale, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, your application for enrollment as a Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. L32.

Register.

Cher Fr 1367
Trans. from D 241
see Cher Fr 1365, 1366, 1368 thru
1373 and D 244

Cher Fr 1367

DEPARTMENT OF THE INTERIOR,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 10, 1901.

In the matter of the application of Patsy Demumber for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Patsy Demumber.
Q How old are you? A 51.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A One child.
Q What is the name of your child? A Johnnie Martin.
Q How old is he? A 15 years old.
Q What is your father's name? A Jake Martin.
Q He living? A No sir, he is dead.
Q What is your mother's name? A Sarah Ann Martin.
Q She living? A Yes sir.
Q Is your name on the roll of 1880? A I don't know sir; I guess not.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, #2911, Patsy Martin, Coowee-scoowee District. Applicant's child not identified thereon.

Q You didn't draw for your son, Johnnie? A No sir, his name wasn't found.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Is your husband a citizen? A No sir.
Q When were you married? A Five years ago.
Q You don't know anything about your mother coming back to the Cherokee Nation? A No sir.
Q Who is the father of Johnnie Martin? A Jim Martin.
Q John Martin was born before you married your husband? A Yes sir.

Patsy Demumber applies for the enrollment of herself and Johnnie Martin, 15 years of age, Her name is not found upon the authenticated roll of 1880, but she is duly identified on the Kerns Clifton Pay Roll. She avers that she is the daughter of Jake and Sarah Ann Martin. The name of her child Johnnie, is not found upon the pay roll nor any roll in the possession of this Commission. Reference is made to the testimony taken in the case of her mother, Sarah Ann Martin, Card D- 239, which record will be made a part of the record in this case. Consequently, Patsy Demumber and her child, Johnnie Martin, will be listed for enrollment upon a doubtful card for further consideration of the Commission. When the decision of the Commission is made, applicant will be notified by mail. It will be necessary for her to file with the Commission satisfactory proof of birth of said child, Johnnie, for the fact that his name does not appear upon any roll and not identified.

The undersigned, being duly sworn, states that as stenographer to

the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes.

(Signed) R. G. Rothenberger

Subscribed and sworn to before me this 11th day of May, 1901.

(Signed) M. D. Green
Notary Public.

VB. J.D.241

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 2[illegible] 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 2, 1904

Post Office Chelsea I.T.

District 1000

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 1. Name of wife Patsy de Munker Age 61

Owner's name ..... Citizenship .....

Year R.C. Page 117 No 2911 District 1000

Parents:

Father Jake Martin - dead Citizenship .....

Mother Sarah. " - living Citizenship .....

Names of Children:

2 1. John Martin Year — Page — No. — Dist. — 15

2. Year Page No. Dist.

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer E.S.R.

Mrs Munker sold as Patsy Martin

2 affs of birth required

X

CHEROKEE FREEDMAN. 8241

20

IN RE

Application for Enrollment of

INFANT CHILD

John Martin

as a citizen of

CHEROKEE Nation.

Approved MAY 10 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 10 1901
Assistant Chairman

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of John Martin (Here insert name of child), born on the 4 day of March, 1885
Name of Father: Jim Martin, a citizen of the Cherokee Nation.
Name of Mother: Patsy deMumber, a citizen of the Cherokee Nation.
Post-office, Chelsea I. T.

my com exp april 15-1903.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Patsy deMumber, on oath state that I am 31 years of age and a citizen, by adoption, of the Cherokee Nation; that I was the lawful wife of Jim Martin, who is a citizen, by adoption, of the Cherokee Nation, that a Male (male or female) child was born to me on the 4th day of March 1885; that said child has been named John Martin, and is now living.

Patsy X deMumber
her mark

WITNESSES TO MARK
(Must be Two Witnesses) Mike Martin
Leo Martin

Subscribed and sworn to before me this 10th *day of* May 1901.

G. F. Bailey
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, }
Northern District. }

I, Rose Anna Hodrick, a midwife, on oath state that I attended on Mrs. Patsy deMumber, wife of Jim Martin, on the 4th day of March, 1885 that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named John Martin

Rose Anna X Hodrick
her mark

WITNESSES TO MARK:
(Must be Two Witnesses) Mike Martin
Leo Martin.

Subscribed and sworn to before me this 10 *day of* May 1901.

G. F. Bailey
NOTARY PUBLIC

[illegible]

[illegible]

[illegible]

To be filed in case of Patsy Dennumber et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 68 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Coowescoowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q Towhom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
Q What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you came? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Sam Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin,here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go?n A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the CherokeeNation in '66? A She come with me with I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
U. S. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 55.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
U. S. Hastings: You were eight years old? A I was 18 then.
Q You are 55? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What weretheir names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 38 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Sarah Martin, Rose, Al. Lynch, Andy Frey; they all lived there.

3- S. A. M.

Q How long after she came down? A It hadn't been very long; the way I happened to go, Aaron Martin came down and rented some land from my mother and I went up there; and I saw her and I knew her. Aaron moved from my folks and moved down there.
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
M. M. Hastings: Were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you came, did your husband come? A About a year.
Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 12 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al.------Cherokee Freedmen D 239,
Bettie Robinson----------Cherokee Freedmen D 240,
Patsy DeNumber et al.-------Cherokee Freedmen D 241,
Aaron Martin, Jr.,----------Cherokee Freedmen D 242,
John Martin et al.----------Cherokee Freedmen D 243,
Rosa Robinson et al.---------Cherokee Freedmen D 296,
Jacob Martin et al.----------Cherokee Freedmen D 311,
Sam Martin et al.-----------Cherokee Freedmen D 342,
Eliza Carbin et al.----------Cherokee Freedmen D 727.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin, for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeNumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Nelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rosa, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Nattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Cole Martin, Bettie Robinson, Patsy Dellumber, John Martin, son of said Patsy Dellumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Body Robinson, Nelly Robinson, Jacob Martin, Lady Martin, Sam Martin, Moses Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Mattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

(SIGN) T. B. Needles.

(SIGN) C. R. Breckinridge.

(SIGNED) W. E. Stanley.

Muskogee, Indian Territory,

this MAR - 5 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Patsy deHumbee,
Chelsea, I.T.
Cherokee F-D-241
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 839, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Moses, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Eody and Melly Robinson, Patsy De Number, Eliza, Hattie, Henry and Ruby Garbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-18

Cherokee freedmen
D-841.

Muskogee, Indian Territory, June 30, 1904.

Patsy deHumber,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor child, John Martin, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-33.

Register.

Cher Fr 1368

Trans. from D 242

See Cher Fr 1365 thru 1367; 1369 thru 1373; D 244

Cher Fr 1368

A. I.D. 242

MAY 13 1901

ADJ'T GEN'L'S OFFICE

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Aaron Martin, Jr. for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin, Jr.
Q How old are you? A 25 years old.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? ACooweescoowee
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A No sir.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q Is your name on the roll of 1880? A I don't know sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw strip payment money? A Yes sir.
Q How long have you lived in the Cherokee Nation?A All my life.
Q Born and raised in the Cherokee Nation? A Yes sir.
Q Are you married? A Yes sir.
Q Do you apply for your wife? A No sir.
Q Have you any children? A No sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2909, Aaron Martin, Cooweescoowee District.

Aaron Martin, Jr., applies for the enrollment of himself; his name is not found upon the authenticated roll of 1880, but is identified on the Kerns Clifton Pay Roll. He avers that he is the child of Jake and Sarah ANN Martin, and reference is made to the testimony taken in the case of Sarah Ann Martin for enrollment of herself and child, to be found on D-card 339. Consequently, his name will be placed upon a doubtful card awaiting further examination by the Commission. When the Commission arrives at the decision of his case, he will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 3 1901

Acting Chairman.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16 1901

Post Office Tahlequah I.T.

District Cher

1. Name Aaron Martin Jr. Age 25

Owner's name

Citizenship

Year Page 117 No. 2909 District Cher

Parents:

Father Jake Martin - dead Citizenship

Mother Sarah A. " - living Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist
9.	Year	Page	No.	Dist.
10	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist

Application made by Self. Stenographer, E. C. Rotenberg

No. 1 Cattle. Rolls as Aaron Martin.

X Reg. 1237

JUL

Commissioner of Administration

2 : 2 . M.

To be filed in case of Aaron Martin, Jr.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen: she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 18 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Coowescoowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
Q What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you came? A Yes sir.
Q You never went back to Kansas? A No sir.
Q Have you any witnesses here? A Yes sir, Andy Frey and Cap Starks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

2- S.A.M.

Q What is your name? A Amy Trag.
Q How old are you? A 68.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during thewar? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She came with me when I came back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her: I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
U. S. Lochlear: How many children came with her? A Well,I don't recollect how many children came with her.
Q Her husband' didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she came? A Yessir.
Q All the time? A Yes sir.

Pilmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Pilmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I s ppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
U. S. Lochlear: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lyhet, and they all lived there.
Q How long after she came down? A It hadn't been very long; the way I happened to go, Aaron Martin came down and rented some land from my father and I went up there, and I saw her and I knew her. Aaron rented from my father and moved down there.

S. S. A. M.

Examination of applicant Sarah Ann, did you and Aaron come here together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
Q Where were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you came, did your husband come? A About a year.
Examination. Did you draw for Ockie? A No sir, I didn't draw for Ockie; his name got misplaced.
Q Where is Ockie? A He is at home.
Q Are you sure you didn't draw for Ockie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ockie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kearns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ockie, 12 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said, Ockie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 238, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of July, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Aaron Martin for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin.
Q How old are you, Aaron? A I guess about 67 or 68.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you ~~want~~ to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I think there are three on the roll with their mother.
Q Has their mother been here? A Their mother is dead.
Q What are the names of the three children? A Frances Martin.
Q How old is Frances? A 15.
Q The next one? A Keely.
Q How old is Keely? A About 9.
Q The next one? A Phoebe.
Q About how old is Phoebe? A About 7.
Q What was the mother's name of these children? A Cora Adams.
Q Her name was Cora Adams before she married you? A Yes sir.
Q About how old would Cora be if she were alive? A I don't know sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know, sir; it ought to be.
Q Have you ever applied to be enrolled by any other ~~tribe~~ or nation? A No sir. A

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you receive your money known as the Cherokee Strip money? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118, No. 2939, Aaron Martin, Delaware District.

Q Aaron, were you a slave before the war? A Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A To Kansas.
Q When did you return from Kansas after the war? A In '66.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No sir.
Q Did you ever apply to the Cherokee Council to have your name placed on the roll of 1880? A No sir, I didn't.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Cap Hicks and Andrew Frey.
T. B. Needles: Where did you come to when you come back? A I come to Dr. Thompson's place over there to Grand River.
Q Are you a blacksmith? A No sir.
Q Another Martin is a blacksmith? A Yes sir.
Q Who was living down there at the Thompson place when you come back? A Why Mr. Jesse Cockrum was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A I stayed there until along sometime about Christmas, I reckon; I went down to Cap Hicks'

mother then.
Q About what time did you come down to the Cherokee Nation after the war - what time in '66? A I was sometime in the fall.
Q You have lived there ever since? A Yes sir.

Andrew Frey, being sworn and examined by Commissioner T. B. Needles, on part of the applicant, testified as follows:
Q Is your name Andrew Frey? A Yes sir.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Freedman? A Yes sir.
Q Do you know Aaron Martin? A Yes sir.
Q How long have you known him? A Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A Yes sir.
Q Where? A He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A Yes sir.
Q Did he go out of the Cherokee Nation during the war? A Yes sir.
Q Where did he go? A He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay at one place long.
Q Did he return? A Yes sir.
Q In what year? A In '66.
Q Are you any relation to him? A No sir.
Q Was he married atthat time? A Yes sir.
Q Was his family with him? A Yes sir.
Q Did his family return with him? A Yes sir.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A I belonged to Mary Clark.
Q Were you in Kansas with Aaron Martin? A Yes sir.
Q Did you return with him? A Yes sir.
Q Have you known Aaron Martin well since that time? A Yes sir.
Q Has he lived in the Cherokee Nation since? A Yes sir.
W. W. Hastings: You say he come back with you? A Yes sir.
Q Who else come along? A There were lots of others, I don't recollect now who all came along; there was a big crowd of us.
Q Well, name some of the rest of them? A Peter Williams.
Q Anybody else? A Tobe Schrimsher, Jake Martin's family.
Q Anybody else? A I don't know who else.
Q That is all you can remember? A Yes sir.
Q What time in the year did he come back? A He come back - we got back over to Dr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there? A No one at all.
Q You are positive about that, are you? A Yes sir, no one at all there.
Q That was in October, '66? A Yes sir.
R. B. Bell: Who got back there first, you or Judge Daniels' family? A Me.

Filmore Hicks, being sworn and examined by Commissioner Needles, on part of the applicant, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 53.
Q What is your postoffice address? A Vinita now.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know the applicant, Aaron Martin? A Yes sir.
Q How long have you known him? A I have known him about nearly forty years I reckon; I knew him before the war.
Q Was he a slave? A Yes sir, I suppose he was.
Q Who did he belong to? A John Martin.
Q Do you know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was; he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A Late in the fall of '66.
Q Where at? A At my mother's.

Q Have you known him since that? A Known him ever since.
Q Has he always lived in the Cherokee Nation since that? A Yes sir.
Q Did he have a family at that time? A Yes sir.
Q Was his family with him? A Yes sir, they were up at Dr. Thompson's place; he come to my mother's and wanted to rent some land.
Q He rented some land? A Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67.
U. S. Hastings: Who farmed it in '76? A Young Wolf, my mother's husband.
Q Did you ever have a renter after you had this fellow? A No, we had some hired hand, not any renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river; I reckon it isn't over three-quarters of a mile.
Q Opposite the mouth? A Just below a little on the other side of the river.
Q Your mother had a farm there that year? A Yes sir.
Q Are you positive this man tilled land there in the year '67? A Yes sir.
Q Do you know what he cultivated? A He put in corn.
Q About what size farm did your mother have that year? A About 20 or 25 acres.
Q You were at home then with her? A Yes sir.
Q What was your age then? A 17 or 18.
Q Did your mother have any help besides you? A A boy older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A Not much.
Commissioner of Applicant: Did you draw money for Frances and Neely? A Yes sir.

The Kerns Clifton Roll of the Freedmen of the Cherokee Nation examined and the names of the applicant's two older children are identified thereon as follows:
Page 23, No. 568, Frances Adams, Delaware District.
Page 23, No. 569, Nealey Adams, Delaware District.

Q Are their names Adams or Martin? A Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 216, No. 44, Cora Adam, Delaware District.

Aaron Martin applies for the enrollment of himself and three children, Frances, Neely and Phoebe. His name is not found upon the authenticated roll of 1880, but is found upon the Kerns Clifton Roll. By reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful card. When the Commission arrives at a decision in his case, he will be notified by mail. He avers that his children, Frances, Neely and Pgoebe, are the children of Cora Adams, his wife, and the name of CoraAdam is found upon the authenticated roll of 1880, and Frances, and Neely are identified on the Kerns Clifton Pay Roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Neely, and Phoebe Martin will be duly listed for enrollment as Cherokee Freedmen. Their names appear upon the Kerns Clifton Roll as Adams, but they are duly identified as the applicants. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said Phoebe.

4. A. M.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. F. Robertson

Subscribed and sworn to before me this 10th day of May, 1901.

M. D. Green

Commissioner.

Notary Public

jac

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al.------Cherokee Freedmen D 239,
Bettie Robinson----------Cherokee Freedmen D 240,
Patsy DeMumber et al.-------Cherokee Freedmen D 241,
Aaron Martin, Jr.,----------Cherokee Freedmen D 242,
John Martin et al.----------Cherokee Freedmen D 243,
Rosa Robinson et al.--------Cherokee Freedmen D 296,
Jacob Martin et al.---------Cherokee Freedmen D 311,
Sam Martin et al.-----------Cherokee Freedmen D 342,
Eliza Carbin et al.---------Cherokee Freedmen D 727.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin, for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeMumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Nelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Mose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeNumber, John Martin, son of said Patsy DeNumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nody Robinson, Melly Robinson, Jacob Martin, Lady Martin, Sam Martin, Mose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

(SIGNED). T. B. Needles.

(SIGNED). C. R. Breckinridge.

(SIGNED). W. E. Stanley.

Muskogee, Indian Territory,
this MAR - 5 1904

Fig 2442

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Aaron Martin, Jr.,
Chelsea, I.T.
Cherok eF-D-242
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 239, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Mose, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Mody and Melly Robinson, Patsy De Number, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. V-18

Cherokee Freedmen
D-342.

Muskogee, Indian Territory, June 30, 1904.

Aaron Martin, Jr.,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself as Cherokee freedman.

Respectfully,

Commissioner in Charge.

Enc. L-34.

Register.

Cher Fr 1369

Trans. from D 243

see Cher Fr 1365 thru 1368; 1370 thru 1373; D 244

Cher Fr 1369

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1902.

In the matter of the application of John Martin for the enrollment of himself and four children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A John Martin.
Q How old are you? A About 35 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Four children.
Q Wife? A No sir, my wife is dead.
Q What are the names of your children? A Jerome.
Q How old is Jerome? A 11 years old.
Q The next child? A Susan.
Q How old is Susan? A 7.
Q The next one? A Katherine.
Q How old is she? A She is 5.
Q The next one? A Frank.
Q How old is Frank? A One year old.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q Have you ever been recognized by the tribal authorities as the Cherokee Nation as a Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know sir; I always thought it was.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicantsnot found thereon.

The Kerns Clifton Roll examined and the name of the applicant and his oldest child are found thereon as follows:
Page 117, No. 2908, John Martin, Coowescoowee District.
Page 117, No. 2907, Jerome Martin, Coowescoowee District.

Q Did you draw for Susan? A Yes sir, I drawed for her.

The name of Susan Martin is found on the Kerns Clifton Roll as Susie Martin on page 119, No. 2963, in Delaware Dist.

Q You are 35 years of age? A Yes sir.
Q Were you a born slave? A I don't know sir. No sir, I guess not.
Q You don't recollect your mother coming back from Kansas? A No sir.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q These children of yours alive? A Yes sir.
Q Living in the Cherokee Nation at this time? A Yes sir.
Q What was your wife's name? A Her name was Jennie Downing.
Q Is she living? A No sir, she is dead.
Q Was she a Cherokee Freedman? A Yes sir.
Q How old would she be if she were alive? A I guess about 38, I don't know.
Q Is her name on the roll of 1880? A No sir.
Q Are you sure of that? What was her father's name? A Elias Downing.
Q Is he living? A Yes sir.
Q What is her mother's name? A I don't know.
Q Is she living? A No sir, she is dead.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is not found thereon.

2- J. M.

Q Were you married to her? A Yes sir.
Q She is the mother of these children? A Yes sir.
Q Have you any certificate of marriage? A No sir.
Q Anybody here knows whether you were married or not? A My sister.

Bettie Robbinson, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Bettie Robinson.
Q How old are you?m A About 42 years old.
Q What is your postoffice? A Catale.
Q Do you know John Martin? A Yessir.
Q What relation is he to you? A He is my brother.
Q Did you know his wife, Jennie? A Yes sir.
Q Do you know whether they were married or not? A Yes sir.
Q Did you see them married? A I didn't see t em married; Preacher Allen marriedthem.
Q Were they living together as man and wife? A Yes sir.
Q And recognized by the community so? A Yes sir.
Q Did they have any children while they were living together? A Yes sir.
Q Jerome, Susan, Katherine and Frank were born to him while he was living with Jennie, his wife? A Yes sir.

John Martin applies for the enrollment of himself and four children. He avers that he was married to one Jennie Downing, whose name cannot be found upon the authenticated roll of 1880, and he makes satisfactory proof of marriage. Satisfactory proof is made that the children for whom he applies, to-wit: Jerome, Susan, Katherine and Frank, were born to him by his wife, Jennie. He and his two oldest children, Jerome and Susan, are identified on the Kerns Clifton Pay Roll. The two younger children, Katherine and Frank, are not identified on the rolls, having been born after the same was compiled; and it will be necessary for him to make satisfactory proof of birth of said children. In the matter of the application of the applicant, reference is made to the testimony of his mother, Sarah Ann Martin, D Card 238, and the testimony in said case will be made a part of the record in the case at bar. The names of said John Martin and his said children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card for further consideration by the Commission. When the Commission decides as to his case, he will be informed of the decision by mail. In the meantime he can present any further testimony he desires in the premises.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 11th day of May, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY - 1 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 19, 901

Post Office Chelsea I.T.

District 000

1. Name John Martin Age 33

Owner's name Citizenship

Year 1880 Page 117 No. 2908 District 000

Parents:

Father Jake Martin - dead Citizenship

Mother Sarah A. " - mono Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

2	Drane Martin	Year 80	Page 117	No. 2907	Dist 000	11
3	Susan "	Year "	Page 9	No. 2962	Dist. Del	7
4	Lydia "	Year -	Page	No.	Dist.	3
5	Frank	Year	Page	No.	Dist.	1
6.		Year	Page	No.	Dist.	
7.		Year	Page	No.	Dist.	
8.		Year	Page	No.	Dist	
9.		Year	Page	No.	Dist.	
10		Year	Page	No.	Dist.	
11.				No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Wm Stenographer E.B. Rothenburger

2 Cert'd to Dolias Lucie Martin
Land 2 Children " with issued,

Freedman 2743

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation.

Approved, May 1 1901

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 1 1901
[illegible]

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Catherine Martin (Here insert name of child) born on the 11th day of Sept. , 1898

Name of Father: John Martin , a citizen of the Cherokee Nation.

Name of Mother: Jennie Martin a citizen of the Cherokee Nation.

Post-office, Chelsea, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Jennie Martin , on oath state that I am

years of age and a citizen, by , of the Nation;

that I am the lawful wife of , who is a citizen, by

, of the Nation, that a (male or female) child was

born to me on the day of 1 ; that said child has been

named Catherine Martin , and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 190 .

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I Rosa Hardrick , a midwife , on oath state that I

attended on Mrs. Jennie Martin , wife of John Martin ,

on the 11 day of September , 1898 that there was born to her on

said date a female (male or female) child; that said child is now living and is said to have been

named Catherine Martin

Rosa her X Hardrick mark

WITNESSES TO MARK:

(Must be Two Witnesses) Bettie Robison

John Martin

Subscribed and sworn to before me this 10 day of May 190 1.

My commission expires March 17, 1904. Louis F. Brown

NOTARY PUBLIC

Freedman D 743

20

IN RE

Application for Enrollment of

INFANT CHILD

Frank Martin

as a citizen of

[illegible] Nation.

Approved, Nov 11 1901

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED [illegible]
FILED
[illegible] 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE. Nation,

of Frank Martin (Here insert name of child) born on the 25 day of January, 1900

Name of Father: John Martin, a citizen of the Cherokee Nation.

Name of Mother: Jennie Martin, a citizen of the Cherokee Nation.

Post-office, Chelsea, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, ... District.

I, Jennie Martin, on oath state that I am ... years of age and a citizen, by ..., of the ... Nation; that I am the lawful wife of ..., who is a citizen, by ..., of the ... Nation, that a ... (male or female) child was born to me on the ... day of ..., 1 ...; that said child has been named Frank ... and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this ... day of ... 190 .

My commission expires March 17, 1904. NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I Bettie Robinson, a midwife, on oath state that I attended on Mrs. Jennie Martin, wife of John Martin on the 25 day of January, 1900, that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Frank ...

Bettie Robinson

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 10 day of May 190 1.

Louis T. Brown NOTARY PUBLIC

My commission expires March 17, 1904.

mon before finally.

to the Commission and Prosecutor's Office in this case, and that the undersigned, being duly sworn, states that he is employed by the Commission as an Investigator, and that the foregoing is a true and correct statement of his activities in connection with the above-captioned matter.

Subscribed and sworn to before me this 8th day of May, 1980.

Notary Public

My commission expires:

Betsy Ann Martin submitted for the evolitment of Notebook

[illegible] Mr. Martin, I didn't draw a face. I'm not an artist. I didn't draw a face. I'm not an artist. I didn't draw a face. I'm not an artist.

To be filed in case of John Martin et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Coowescoowee District.

The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron?m A Yes sir.
H. H. Hastings: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you came? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she came?mA Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 55.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 55? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 55 years ago of seeing this colored woman and these children? A Yes sir.
Q How many colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all livedthere.

S- S. A. M.

Q How long after she come down? A It hadn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner or Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.
W. W. Hastings: Were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you come, did your husband come? A About a year.
Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 18 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D -235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger

Subscribed and sworn to before me this 15th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al....Cherokee Freedmen D 239,
Bettie Robinson.....Cherokee Freedmen D 240,
Patsy DeMumber et al.....Cherokee Freedmen D 241,
Aaron Martin, Jr.,.....Cherokee Freedmen D 242,
John Martin et al.....Cherokee Freedmen D 243,
Rosa Robinson et al.....Cherokee Freedmen D 296
Jacob Martin et al.....Cherokee Freedmen D 311,
Sam Martin et al.....Cherokee Freedmen D 342,
Eliza Carbin et al.....Cherokee Freedmen D 727.

-: D E C I S I O N :-

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeMumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Melly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Mose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeMumber, John Martin, son of said Patsy DeMumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nody Robinson, Melly Robinson, Jacob Martin, Lady Martin, Sam Martin, Mose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby

Signed T. B. Needles

Signed C. R. Breckinridge

Signed W. E. Stanley

Muskogee, Indian Territory,
this Mar - 5 - 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. John Martin,

Chelsea, I.T.
Cherokee F-D-243
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 239, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Mose, Caroline, Patsy and Mannie Martin, Bettie, Rosa, Nody and Melly Robinson, Patsy De Mumber, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. „-18

Chairman.

Cherokee Freedmen
D-263.

Muskogee, Indian Territory, June 30, 1904.

John Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor children, Jerome Martin, Susan Martin, Catherine Martin, and Frank Martin, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-35.

Register.

Cher. Fr 1370

Trans from D 296

See Cher Fr 1365 thru 1369; 1371 thru 1373; D 244

Cher Fr 1370

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 15, 1901.

In the matter of the application of Rosa Robinson for the enrollment of herself and two children as Cherokee Freedmen; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Rosa Robinson.
Q Who is it you want to have enrolled? A Myself and children.
Q How many children? A Two.
Q How old are you? A I guess about 23 years old.
Q What is your postoffice? A Catale.
Q In what district do you live? A In Coowescoowee.
Q How long have you lived in the Cherokee Nation? A Ever since I can remember.
Q All your life? A Yes sir.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Give me the name of your father? A Jake Martin.
Q Is your father alive? A No sir.
Q How long has he been dead? A I don't know, sir.
Q Give me the name of your mother. A Sarah Ann Martin.
Q Is she alive? A Yes sir.
Q You have been married, you say? A Yes sir, I am married now.
Q Have you been married more than once? A No sir.
Q To whom are you married? A Lucky Robinson.
Q He is alive, is he? A Yes sir.
Q When did you marry him? A I have been married seven years.
Q Is he a state man? A Yes sir.
Q He makes no claim to Cherokee citizenship? A No sir.
Q Did he get out a Cherokee license when he married you? A No sir.
Q Have you a certificate of your marriage? A No sir.
Q Is there anybody here who knows that you and he live together as husband and wife? A Yes sir.

Moses Hardrick, being sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Moses Hardrick.
Q How old are you? A 71.
Q What is your postoffice? A Chelsea.
Q How long have you lived in the Cherokee Nation? A Ever since I was born up to the war and after that I come right back.
Q Do you know this applicant here, Rosa Robinson? A Yes sir.
Q What was her name before she married? A Rosa Martin.
Q What was her father's name? A George Bean.
Q You call George Bean her father? A Yes sir.
Q What is the name of her mother? A Sarah Ann Martin.
Q Sarah Ann Martin was at one time married to Jake Martin? A Yes sir.
Q Was she married to George Bean? A They lived together as husband and wife.
Q So Jake Martin was either her father or her stepfather? A Yes sir.
Q How long has this woman been married? A I don't know sir, how long she has been married.
Q What is the name of her husband? A Lucky Robinson.
Q Was she ever been married except to him? A No sir.
Q They are livin together as husband and wife? A Yes sir.
Q And have some children, have they? A Yes sir.
Q How may? A I know of two.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined, and the names of the applicant, her mother, her father George Bean, her stepfather Jake Martin, are not found thereon.

Commissioner of Applicant: Is George Bean alive? A No sir.
Q How long has he been dead? A I don't remember of ever seeing him.

The 1880 census roll of the Freedmen of the Cherokee

Nation examined and the name of the applicant not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2913, Rose Martin, Coowescoowee District.

The Wallace Roll examined and the name of the applicant is found on page 131, No. 2740, Rose Martin, Coowescoowee District.

Q Give me the name of your oldest child? A Nody Robinson.
Q How old is the child? A Five years old.
Q The name of the next child? A Millie Robinson.
Q How old is that child? A She will be one year old in June.
Q Are they both living now? A Yes sir.
Q Is that older child, Nody, on any roll? A No sir, I had her enrolled, but they say she is not enrolled.

The name of the applicant's children not identified on the Kerns Clifton Roll.

Q Where is your mother at this time? A She is at home.
Q How old is she? A I don't know.
Q Do you claim through your mother? A Yes sir.
Q Was yourfather a Cherokee Freedman? A I don't know, sir.
Q But you claim through your mother, Sarah Ann? A Yes sir.

Reference is made in this case to the testimony in the case of Sarah Ann Martin , D - 239, the mother of the applicant, and through whom she claims.

The applicant applies for the enrollment of herself and two children. She states that she has lived in the Cherokee Nation all her life. She is not identified on the roll of 1880 or upon the census roll of 1896; she is identified on the Wallace Roll and on the Kerns Clifton Roll. Neither her mother or father are identified on the roll of 1880. The applic nt does not know the nationality of her father, and she claims through her mother, Sarah Ann Martin, Freedman Card D - 239, to which reference is made. The applican'ts change of name arising from marriage is established in a satisfactory manner, and also the fact that she is the child of Sarah Ann Martin, and the applicant will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. Neither of her two children, Nody and Millie, are identified on any roll. When the Commission is supplied with certificates of births of these children, both of whom are said to be living, they also will be listed for enrollment as Cherokee Freedmen on a doubtful card. The final decision of the Commission will be made known to the applicant at her postoffice address.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. V. Rothenberger

Subscribed and sworn to before me this 18th day of May, 1901.

Commissioner.

P

T 296

5

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 15 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date ... May 15-1901.

Post Office Catale I.T.

District ... Coo.

1. Name ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

1 ~~2~~. Name of wife Rosa Robinson Age 23.

Owner's name ... Citizenship ...

Year R.C.R. Page 117 No. 2042 District Coo

Parents:

Father Jake Martin d. Citizenship Cre.

Mother Sara " d. Citizenship "

Names of Children:

2 ~~3~~. Nody Robinson Year ~~Page~~ No. Dist. 5 yr.

3 ~~4~~. Milly " Year ~~Page~~ No. Dist. 1 yr.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by No. 1 Rosa Robinson Stenographer Rothunderson

No. 1 on K.C. Roll as Rose Martin
Wallace Roll Page 131 No. 2748
"Rosa Martin Coo. Dist.
Nos. 2 and 3 - Proof of birth to be applied
for to F.C. 239.

CHEROKEE FREEDMAN. D296

20

IN RE

Application for Enrollment of

INFANT CHILD

Indy Robinson

as a citizen of

CHEROKEE Nation.

Approved May 16 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 18 1901

ACTING CHAIRMAN

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Nicky Robinson, born on the 24 day of June, 1896.
(Here insert name of child)

Name of Father: Lucky Robinson a citizen of the U S Nation.

Name of Mother: Rosa Robinson citizen of the Cherokee Nation.

Post-office, Catale IT

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, Rosa Robinson, on oath state that I am 23 years of age and a citizen, by [illegible], of the Cherokee Nation; that I am the lawful wife of [illegible] Robinson, who is a citizen, ~~by~~ of the U S ~~Nation~~, that a Female child was born to me on the 24 day of June 1896, that said child has been named Nicky Robinson, and is now living.

Rosa Robinson.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 15th *day of* May 1901.

[illegible] NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY. }
Northern District. }

I, [illegible], a midwife, on oath state that I attended on Mrs. Rosa Robinson, wife of Lucky Robinson, on the 24 day of June, 1896 that there was born to her on said date a Female child; that said child is now living and is said to have been named Nicky Robinson

Rosa Kendrick

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 15 *day of* May 1901.

[illegible] NOTARY PUBLIC

Born - April 15 - 1896.
May

CHEROKEE FREEDMAN 8296

20

IN RE

Application for Enrollment of

INFANT CHILD

Nelly Robinson

a citizen of

CHEROKEE, Nation.

Approved, May 18 1901

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 18 1901

ASSISTANT ATTORNEY

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Melly Robinson, born on the 16th day of June, 1906

Here insert name of child

Name of Father: Lucky Robinson, a citizen of the U S ~~Nation~~.

Name of Mother: Rosa Robinson, a citizen of the Cherokee Nation.

Post-office, Catale I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Vinita District.

I, Rosa Robinson, on oath state that I am 23 years of age and a citizen, by ..., of the Cherokee Nation; that I am the lawful wife of Lucky Robinson, who is a citizen, by ..., of the U.S. ~~Nation~~, that a female child was born to me on the 16 day of June 1906, that said child has been named Melly Robinson, and is now living.

Rosa Robinson

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 15th day of July 1906.

J. F. Dorrell NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Vinita District.

I, ..., a ..., on oath state that I attended on Mrs. ..., wife of ..., on the 16 day of June, 1906; that there was born to her on said date a ... child; that said child is now living and is said to have been named Melly Robinson.

Rosa Lodrick

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 5 day of July 1906.

... NOTARY PUBLIC

Enr. Com. Exp. April 15-1907.

commissioner.

[illegible] and em[illegible] of nism and[illegible]

[illegible]

[illegible]

To be filed in case of Rosa Robinson et al.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as fol lows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kerns Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Coowescoowee District.
The Kerns Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes sir.
Q Did you come back with Aaron? A Yes sir.
W. W. Hastings: What was your husband's name? A Jake Martin.
Q He didn't come with you? A No sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you come? A Yes sir.
Q You never went back to Kansas? A No sir.
Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them.
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You saw them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Frey; they all lived there.
Q How long after she come down? A It hadn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.

H. M. Hastings: Were you living with your husband in Kansas? A Yes sir.
Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.
Q How long after you came, did your husband come? A About a ye ar.
Commissioner: Did you draw for Ocie? A No sir,I didn't draw for Ocie; his name got misplaced.
Q Where is Ocie? A He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the Kerns Clifton Pay Roll. By reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commssion, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D - 335, which will be made a part of her case at bar. When the Commissian arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 13th day of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al....Cherokee Freedmen D 239,
Bettie Robinson.....Cherokee Freedmen D 240,
Patsy DeMumber et al.....Cherokee Freedmen D 241,
Aaron Martin, Jr.,.....Cherokee Freedmen D 242,
John Martin et al.....Cherokee Freedmen D 243,
Rosa Robinson et al.....Cherokee Freedmen D 296
Jacob Martin et al.....Cherokee Freedmen D 311,
Sam Martin et al.....Cherokee Freedmen D 342,
Eliza Carbin et al.....Cherokee Freedmen D 727.

-: D E C I S I O N :-

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeMumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Wody and Melly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendents of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeMumber, John Martin, son of said Patsy DeMumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Wody Robinson, Melly Robinson, Jacob Martin, Lady Martin, Sam Martin, Rose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby

Signed T. B. Needles

Signed C. R. Breckinridge

Signed W. E. Stanley

Muskogee, Indian Territory,
this Mar - 8 - 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rosa Robinson,
Eufaula, I. T.,
Cherokee-D-2[illegible],
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 239, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Rose, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Nody and Nelly Robinson, Patsy De Number, Eliza, Hattie, Henry and Ruby Garbin, and Lewis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 4-18

Chairman.

Cherokee Freedmen
D-696.

Muskogee, Indian Territory, June 10, 1904.

Rosa Robinson,

Catale, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor children, Hody Robinson and Emily Robinson, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-36.
Register.

Cher Fr 1371
Trans. from 311
See Cher Fr 1365 thru 1370; 1372;
1373; 1294

Cher Fr 1371

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 16 1907

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 18, 1901.

In the matter of the application of Jacob Martin for the enrollment of himself and one child as Cherokee Freedman.

Jacob Matthew Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jacob Martin.
Q How old are you? A Close to 83 or 84.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my wife and one child.
Q What is your wife's name? A Bertha Bryant.
Q How old is she? A I don't know how old she is now, about 18 I guess.
Q What is the name of your child? A Lady.
Q How old is Lady? A It is only four months old
Q Have you been recognized by the Cherokee Nation as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know, sir, whether it is or not.
Q You know it is not? A Well, I don't know whether it is on there or not.
Q What is your father's name? A Fred Martin.
Q Is he living? A Yes, sir.
Q What is your mother's name? A She was a Martin but she is a Robertson now, Betsy Robertson.
Q What is your wife's father's name? A Eph Bryant.
Q Is he living? A No, sir, he is dead.
Q What is her mother's name? A Mary Martin, all I know.
Q Is she living? A Yes, sir.
Q Is she here? A No, sir, she is at home.
Q Is your father living? A Yes, sir.
Q Your mother? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

Q What testimony have you got as to your father's citizenship?
A He is here, Fred Martin, or Juno Martin; there she sits right over there.

Juno Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Juno Martin.
Q How old are you? A I am about ninety something.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, I guess I am.
Q Is your name on the roll of 1880? A No, sir.
Q Do you know the applicant here, Jacob Martin? A Yes, sir.
Q What relation is he to you? A A grandson.
Q Is he the son of Fred Martin? A Yes, sir.
Q Is he living? A Yes, sir.
Q Where is he, do you know? A He is out there somewhere.
Q Are you the mother of Fred Martin? A Yes, sir.
Q Was he a slave, Fred Martin? A Yes, sir, a little while: he was so small at the breaking out of the war, nothing but a boy, a baby.

Q He has got a boy 34 years of age? A Well, he was small at the breaking out of the war.
Q Fred was? A Yes, sir.
Q Who did he belong to? A Lewis Ross.
Q Was he taken out of the country during the war? A No, sir, we didn't go out of the country at all, never was out of the country.
Q Well, his name isn't on the roll of 1880 is it? A I guess it is, it ought to be, all the family is all together.
Q You know Nelson Martin? A Yes, sir.
Q Is he the son of Fred? A Yes, sir.
Q Is Nelson Martin the brother of Jacob? A A half brother.
Q By the same mother? A No, sir, different mothers.
Q Do you know his wife Bertha? A Yes, sir, I know I have seen her.
Q Do you know who her father and mother were? A Charles Martin I think it was, I am not sure.

Fred Martin, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Fred Martin.
Q How old are you? A 43.
Q Your post office is what? A Spavinaw.
Q Do you know the applicant Jacob Martin? A Yes, sir.
Q Is he your son? A His mother said he was.
Q Have you any doubts about it? A No, sir.
Q What was his mother's name? A Betsy Martin.
Q Well, was Betsy Martin your first or second wife? A She wasn't my wife at all.
Q Well you were never married then to the mother of Jake Martin?
A No, sir, we were not married.
Q Were you married to the mother of Nelson Martin? A Yes, sir.
Q Jake Martin was your oldest child; who was the mother of Jacob Martin? A Betsy Martin.
Q Is she living? A Yes, sir.
Q Is she here? A No, sir, she isn't here.
Q Was Betsy Martin a slave, to you know? A I don't know whether she was a slave or not; I think you have her case under consideration in the Aaron Martin family.
Q What relation was Aaron Martin to Betsy, the mother of Jacob?
A Uncle.
Q Do you know anything about Jacob's wife, Bertha? A In regard to her citizenship, no sir, not in '86 I don't; I know something in regard to his wife since then though.
Q Well, her mother was named Martin, was it? A Yes, sir.
Q Is she in the Aaron Martin family? A No, sir, she is in Charles Martins family.
Q Has Charles Martin been here? A He hasn't been up to be enrolled yet.
Q Is he the father of Mary? A Yes, sir.
Q He is here and not been enrolled yet? A Yes, sir, I think he is aiming to come in today as soon as he gets a chance to come in.
Q Sarah A. Martin, as I understand, was the mother of Betsy?
A Yes, sir.
Q She appears to have a son named Oce? A Yes, sir, he is the uncle of this boy.
Q I thought Sarah Ann was the mother of this boy? A No, sir, Sarah Ann is the mother of this boy's mother, and Oce is a brother to Betsy.
Q Charles Martin is the grandfather of this man's wife? A Yes, sir.

Jacob Martin - 3.

Jacob Martin, recalled, testified:

Commissioner: You will have to put off the enrollment of your wife until Charles Martin comes and gives testimony. The application of Bertha Martin will be deferred until the testimony is taken in the case of her grandfather, Charles Martin.

Q Did you draw the Kerns-Clifton money? A Yes, sir.
The Kerns-Clifton roll examined, and the applicant Jacob Martin identified thereon, page 114, No. 8849, Tahlequah district, as Jake Martin or Robinson.
Q Were you married to Bertha Martin? A Yes, sir.
Q When? A I don't know, sir.
Q Have you got a certificate of marriage? A Yes, sir, I have something.

Commissioner: The applicant presents a marriage license and certificate of marriage certifying that he was married to Miss Bertha Bryant on the 25 day of March, 1899, according to the laws of the United States.
Q Have you got proof of birth as to the children? A No, sir, not here.
Q The Childn's mother is not here? A No, sir.

Commissioner: The applicant Jacob Martin applies for the enrollment of himself, his wife, Bertha and his child, Lady. The application for the enrollment of his wife is withdrawn. His name is not found upon the authenticated roll of 1880, but he is dully identified upon the Kerns-Clifton roll. He avers that he is the child of Fred Martin by his wife Betsy.
Q Is Aaron Martin your grandfather? A He is my mother's uncle.
Q Have you always lived in the Cherokee Nation? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
He makes satisfactory proof as to his residence. As to the proof of his citizenship, reference is made to the testimony taken in the case of Aaron Martin, on D card No. 835, and also to the testimony taken in the case of the application of Sarah A. Martin, being his grandmother.
Q Where is your mother, is she living? A Yes, sir.
Q Has she been enrolled? A Yes, sir, she is right there, Betsy Roberson or Martin one.
Also, reference is made to the testimony taken in the application of his mother, Betsy Martin, on D card 248, and the testimony in said cases will be made part of the record in the present case. He makes satisfactory proof of marriage to his wife, Bertha, and avers that by said marriage he has one child named Lady, four months of age, whose name does not appear upon any of the rolls, having been born after the rolls were compiled. It will be necessary for him to make satisfactory proof of the birth of said child. By reason of the fact that his name is not found upon the authenticated roll of 1880 and the further fact that his citizenship is contested by the Cherokee Nation, said Jacob Martin and his child Lady will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration by the Commission. When the Commission arrives at a conclusion in his case, he will be notified of the same by mail.

****

Jacob Martin - 4.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce G. Jones

Sworn to and subscribed before me this the 16th of May, 1901.

C. A. Hemmings

Commissioner.

B. F.D. 311

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED.
MAY 16 1901

ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 16, 1901

Post Office Chelsea I.T.

District Coowescoowee

1. Name Jacob Martin Age 24

Owner's name Citizenship

Year K.C. Page 114 No. 2849 District Tah.

Parents:

Father Ed Martin - living Citizenship

Mother Betty Robinson - living Citizenship

~~2. Name of wife Bertha Martin~~ ~~Age 18~~

Owner's name Citizenship

Year Page No. District

Parents:

Father ~~Eph. Bryant - dead~~ Citizenship

Mother ~~Mary Martin living~~ Citizenship

Names of Children:

2. Lady Martin Year Page No. Dist. 4 mos

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Mk Stenographer E.C. Jones

Mk K.C. roll as Jake Martin or Robinson.

2 affs of birth required

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY
Northern District

I, JAMES M. MAYES, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the foregoing is a true and correct copy of the Marriage License and Return thereon of [illegible] as the same appears of record in this office in Book [illegible] Marriage Records, Page [illegible].

WITNESS my hand and seal of said Court at Muscogee, in said Territory,

MARRIAGE LICENSE

United States of America,
INDIAN TERRITORY
Northern District

MARRIAGE LICENSE

United States of America.

INDIAN TERRITORY
Northern District

FILED
JUN 5 1901

children, Frances, [redacted] and Phoebe, are the children of Dora Adams, [redacted] the name of Dora Adam is found upon the authenticated roll of 1880, and Frances and Nealy are identified on the Kern-Clifton Bay roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Nealy, and Phoebe Martin will be duly listed for enrollment as Cherokee Freedmen. Their names appear upon the Kern-Clifton roll as Adams, but they are duly identified as the applicants. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said Phoebe.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the [redacted] testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed E. G. Rothenberger,

Subscribed and sworn to before me this 11th day of May, 1901.

Signed, M. D. Green,
Notary Public.

(Seal)

****

Bruce G. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a copy from the original.

Sworn to and subscribed before me this 4th of June, 1901.

Commissioner.

File with case of Jabob Martin, C. F.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Aaron Martin for the enrollment of himself and three children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Aaron Martin.
Q How old are you, Aaron? A I guess about 67 or 68.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A I think there are three on the roll with their mother.
Q Has their mother been here? A Their mother is dead.
Q What are the names of the three children? A Frances Martin.
Q How old is Frances? A 13.
Q The next one? A Neely.
Q How old is Nely? A About 9.
Q The next one? A Phoebe.
Q About how old is Phoebe? A About 7.
Q What was the mother's name of these children? A Cora Adams.
Q Her name was Cora Adams before she married you? A Yes sir.
Q About how old would Cora be if she were alive? A I don't know, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A I don't know sir; it ought to be.
Q Have you ever applied to be enrolled by anymother tribe or nation?
A No, sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of theFreedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you receive your money known as the Cherokee Strip money?
A Yes sir.

The Kerns-Clifton roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118, No. 2939, Aaron Martin, Delaware District.

Q Aaron, were you a slave before the war? A Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q Where to? A To Kansas.
Q When did youreturn from Kansas after the war? A In '66.
Q Have you been living in the Cherokee Nation ever since 1866?
A ~~Xxxx~~ Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No, sir.
Q Did you ever apply to the Cherokee Council to haveyour name placed on the roll of 1880? A No sir, I didn't.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Cap Hicks and Andrew Frye.
W.W.Hastings: Where did you come to when you come back? A I come to Mr. Thompson's place over there to Grand River.
Q Are you a blacksmith? A No, sir.
Q Another Martin is a blacksmith? A Yes, sir.
Q Who was living down there at the Thompson place when you come back?

A Why Mr. Jesse Cockrum was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A I stayed there until along sometime about Christmas, I reckon: I went down to Cap Hicks' mother then.
Q About what time did you come down to the Cherokee Nation after the war - what time in '66? A It was some time in the fall.
Q You have lived thereever since? A Yes, sir.

Andrew Frey, being sworn and examined by Commissioner T. B. Needles, on the part of the applicant, testified as follows:
Q Is your name Andrew Frey? A Yes, sir.
Q How old are you? A 66.
Q What is your post office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Freedman? A Yes, sir.
Q Do you know Aaron Martin? A Yes, sir.
Q How long have you known him? A Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A Yes, sir.
Q To whom did he belong? A He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A Yes, sir.
Q Where? A He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A Yes, sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did he go? A He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay at one place long.
Q Did he return? A Yes, sir.
Q In what year? A In '66.
Q Are you any relation to him? A No, sir.
Q Was he married at that time? A Yes sir.
Q Was his family with him? A Yes, sir.
Q Did his family return with him? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A I belonged to Mary Clark.
Q Were you in Kansas with Aaron Martin? A Yes, sir.
Q Did you return with him? A Yes, sir.
Q Have you known Aaron Martin well since that time? A Yes, sir
Q Has he lived in the Cherokee Nation since? A Yes, sir.
W. W. Hastings: You say he come back with you? A Yes sir.
Q Who else come along? A There were lots of others, I don't recollect now who all come along, there was a big crowd of us.
Q Well, name some of the rest of them? A Peter Williams.
Q Anybody else? A Tobe Schrimsher, Jake Martin's family.
Q Anybody else? A I don't know who else.
Q That is all you can remember? A Yes sir.
Q What time in the year did he come back? A He come back - we got back over to Dr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there?, A No one at all.
Q You are positive about that, are you? A Yes, sir, no one at all there.
Q That was in October, '66? A Yes, sir.
L. B. Bell: Who got back there first, younor Judge Daniels' family? A No.

Filmore Hicks, being sworn and examined by Commissioner Needles, on part of the applicant, testified as follows:
Q What is your name? A Filmore Hicks.
Q What is your age? A 33.
Q What is your postoffice address? A Vinita now.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.

Q Do you know the applicant, Aaron Martin? A Yes, sir.
Q How long have you known him? A I have known him about nearly forty years I reckon; I knew him before the war.
Q Was a slave? A Yes, sir, I suppose he was.
Q Who did he belong to? A John Martin.
Q Do you know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was: he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A Late in the fall of '66.
Q Where at? A At my mother's.
Q Have you known him since that? A Known him ever since.
Q Has he always lived in the Cherokee Nation since that? A Yes,sir.
Q Did he have a family at that time? A Yes, sir.
Q Was his family with him? A Yes sir, they were up at Mr. Thompson's place: he came to my mother's and wanted to rent some land
Q Did rented some land? A Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67.
W.W.Hastings: who farmed it in '70? A Young Wolf, my mother's husband.
Q Did you ever have a render after you had this fellow? A No, we had some hired hand, nothing renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river: I reckon it isn't over three quarters of a mile.
Q Opposite the mouth? A Just below a little on the other side of the river.
Q Your mother had a farm there that year? A Yes sir.
Q Are you positive this man tilled land there in the year '67?
A Yes sir.
Q Do you know what he cultivated? A He put in corn.
Q About what size farm did your mother have that year? A About 20 or 25 acres.
Q You were at home then with her? A Yes, sir.
Q What was your age then? A 17 or 18.
Q Did your mother have any other help besides you? A A boy older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A Not much.
Commissioner: Did you draw money for Frances and Emily? A Yes,sir.
BY APPLICANT:

The Kern-Clifton Roll of the Freedmen of the Cherokee Nation examined and the names of the applicant's two older children are identified thereon as follows:

Page 23, No. 300, Frances Adams, Delaware District:
Page 23, No. 300, Emily Adams, Delaware District.

Q Are their names Adams or Martin? A Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A Yes, sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 218, No. 44, Cora Adam, Delaware District.

Aaron Martin applies for the enrollment of himself and three children, Frances, Emily and Phoebe. His name is not found upon the authenticated roll of 1880, but is found upon the Kern-Clifton Roll. By reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful card. When the Commission arrives at a decision in his case, he will be notified by mail. Be aware that his

children, Frances, Rody and Phoebe, are the children of Cora Adams, his wife, and the name of Cora Adams is found upon the authenticated roll of 1880, and Frances and Rody are identified on the Horn-Clifton 'by roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consanguinity, Frances, Rody, and Phoebe Martin will be duly listed for enrollment as Cherokee freedmen. Their names appear upon the Horn-Clifton roll as Adams, but they are duly identified on the application. In order to complete the enrollment of Phoebe, it will be necessary for him to file with the Commission satisfactory proof of birth of said Phoebe.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceeding testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed E. C. Rothenberger,

Subscribed and sworn to before me this 11th day of May, 1901.

Signed, M. D. Green,
Notary Public.

(Seal)

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that the foregoing is a true copy from the original.

Bruce C Jones

Sworn to and subscribed before me this the 4th of June, 1901.

Commissioner.

CHEROKEE FREEDMAN. 8311

IN RE

Application for Enrollment of

INFANT CHILD

Lady Martin

as a citizen of

CHEROKEE Nation.

Approved. JUN 2 1901 190

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 3 1901

ACTING CHAIRMAN.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Lady Martin, born on the 1st day of Feb, 1901

(Here insert name of child)

Name of Father: Jacob Martin, a citizen of the Cherokee Nation.

Name of Mother: Bertha Martin, a citizen of the Cherokee Nation.

Post-office, Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Bertha Martin, on oath state that I am 18 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Jacob Martin, who is a citizen, by adoption, of the Cherokee Nation, that a Female (male or female) child was born to me on the 1st day of Feb— 1901: that said child has been named Lady Martin, and is now living.

her
Bertha X Martin
mark

WITNESSED TO MARK:

(Must be Two Witnesses) Bettie Robinson

[illegible] as Downing

Subscribed and sworn to before me this 3rd *day of* June 1901.

G. F. Bailey
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mary Downing, midwife, on oath state that I attended on Mrs. Bertha Martin, wife of Jacob Martin, on the 1st day of Feb— 1901 that there was born to her on said date a Female (male or female) child: that said child is now living and is said to have been named Lady Martin.

her
Mary X Downing
mark

WITNESSED TO MARK:

(Must be Two Witnesses) Bettie Robinson

Thomas Downing

Subscribed and sworn to before me this 3rd *day of* June 1901.

G. F. Bailey
NOTARY PUBLIC

Born - Dec - April 15 - 1902

N 31311

COMMISSION TO THE FIVE

FILED
JUL 19 1901

File with Jacob Martin, Doubtful Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Bettie Robinson for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Bettie Robinson.
Q How old are you? A About 42.
Q What is your postoffice? A Catale.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to enroll besides yourself? A Just myself, I guess; my children have been enrolled.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, I know it aint.
Q Is it on any of the other rolls of the Cherokee Nation? A Yes sir, I drew three payments.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.

Q Did you draw your strip payment money? A Yes sir.
Q By the name of Bettie Martin? A Yes sir.
Q Are y u sure you drew this money? A Yes sir, and my two children.
Q How much? A One hundred and eighty som- odd dollars.
Q What children? A Eliza Foster and Jake Martin is all the children I got.

The Kern-Clifton Roll examined and the name of the applicant is found on page 114, No. 2848, Betty Martin, Tahlequah District

Q You say your husband is named Robinson? A Yes, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A James W. Robinson.
Q Is he a citizen? A He is one of the free darkies.
Q Is he living? A Yes, sir, he is living.
Q Have you any chil ren under 21 years of age? A No sir.
Q You only apply for yourself then? A Yes sir.
Q What is your father's name? A Jake Martin.
Q What is your mother's name? A Sarah Ann Martin.
Q What relation are you to Aaron Martin? A He is my uncle.
Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Were you taken out of the country during the war? A Yes sir.
Q Where to? A I went with ma and pa in Kansas; I was small.
Q This Sarah Ann Martin who has just been to the table before you is your mother, is it? A Yes sir.
Q When did you come back from Kansas to the Cherokee Nation? A Come in 1866.
Q How old were you then? A I was about six or seven years old.
Q You have been living in the Cherokee Nation ever since 1866? A Yes sir, ever since.
W. W. Hastings: You came back with your mother, did you? A Yes sir
Q Where did your mother come? A Out there in Cooweescoowee where I am living now.
Q Lived in the Cherokee Nation ever since? A Yes sir.

The applicant applies for the enrollment of herself as a Cherokee Freedman. She avers that she is the child of Jake and Sarah Ann Martin, and that her maiden name was Bettie Martin; she is now married to one James W. Robinson, consequently her name at the present time is Bettie Robison; her name cannot be found upon the authenticated roll of 1880, nor the census roll of 1896, but her name is found upon the Kerns Clifton Pay roll. She avers that she was a slave, taken

out of the Cherokee Nation, at the age of six or seven years, she returned in 1886. She is the daughter of Sarah Ann Martin, and the testimony taken in the application of Sarah Ann Martin, D-239, for the enrollment of herself is referred to and will be made a part of the record in this case. Her name will be placed upon a doubtful card, awaiting further consideration by this Commission. When the Commission arrives at the conclusion in her case, she will be notified of the same by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenberger

Subscribed and sworn to before me this 11th day of May, 1901.

Signed, M. D. Green,
Notary Public.

(Seal)

****

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 17th of July, 1901.

Commissioner.

(STAT)

FILED
JUL 19 1991

File with application Jacob Martin, Doubtful Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sarah Ann Martin.
Q How old are you? A About 60 I guess.
Q What is your postoffice address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be.
Q Who do you desire to enroll besides yourself? A Well, I have got nine children, but all of them are married but one.
Q How old is that one? A 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A Mike Martin.
Q What was your mother's name? A Nellie Martin.
Q What relation are you to Aaron Martin? A A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kern-Clifton Roll examined and the name of the applicant is found on page 117, No. 2906, Sarah Martin, Cooweescoowee District.

The Kern-Clifton Roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A Yes sir.
Q To whom did you belong? A To John Martin.
Q Was he a Cherokee by blood? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did you go to? A I went to Kansas.
Q When did you return from Kansas? A In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A Yes, my man was in Kansas; he stayed there.
Q Was he a state man? A No sir.
Q Is he living now? A No sir, he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A Yes, sir.
Q Did you come back with Aaron? A Yes sir.
W. W. Hastings- What was your husband's name? A Jake Martin.
Q He didn't come with you? A No, sir.
Q Did he come after you did? A Yes sir.
Q Did you remain down here when you came? A Yes sir.
Q You never went back to Kansas? A No sir.

Commissioner: Have you any witnesses here? A Yes sir, Andy Frey and Cap Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andy Frey.
Q How old are you? A 66.
Q What is your postoffice? A Vinita.

Q Are you a Cherokee Freedman? A Yes sir.
Q Acknowledged by the Cherokee Nation as such? A Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A Yes sir.
Q Whom did she belong to? A John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where did she go? A She went up in Kansas with the rest of them
Q When did she return? A In '66.
Q Did you see her in the Cherokee Nation in '66? A She come with me when I come back.
Q You were in Kansas with her? A Yes sir, wasn't right with her; wasn't living right with her, I seen her there.
Q When you returned from Kansas, she returned with you? A Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A Yes sir.
W. W. Hastings: How many children come with her? A Well, I don't recollect how many children come with her.
Q Her husband didn't come with her? A No sir, her husband didn't come.
Q Her husband was Jake Martin? A Yes sir.
Q She remained down here after she come? A Yes sir.
Q All the time? A Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Filmore Hicks.
Q Your age? A 53.
Q What is your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know Sarah Ann Martin? A Yes sir.
Q The applicant here? A Yes sir.
Q Was she a slave before the war? A Yes sir, I suppose she was; said to be.
Q Where did you first see her after the war? A At Dr. Thompson's place.
Q What year was that? A In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir, all the time.
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
W. W. Hastings: You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A Four.
Q What were their names? A Betsy, Mary, the oldest one was named Henry, and John.
Q You say them all up there? A Yes sir, I remember of seeing them all.
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and these children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al Lynch, Andy Frey; they all lived there.
Q How long after she came down? A It hasn't been very long; the way I happened to go, Aaron Martin come down and rented some land from my mother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
Commissioner, of Applicant: Sarah Ann, did you and Aaron come back together? A Yes sir.
Q You and Aaron are brother and sister? A Yes sir.

Sarah Ann Martin - E.

W. W. Hastings: You were living with your husband in Kansas? A Yes sir.

Q Why didn't he come with you? A His mother died and he had to stay there and pay for the expenses.

Q How long after you come, did your husband come? A About a year.

Commissioner: Did you draw for Ocie? A No sir, I didn't draw for Ocie, His name got misplaced.

Q Where is Ocie? A He is at home.

Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann Martin applies for the enrollment of herself and son, Ocie. Her name cannot be found upon the authenticated roll of 1880, but her name is found upon the KernsClifton Pay Roll. by reason of the fact that her name is not found upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the name of Sarah Ann Martin will be placed upon what is known as a doubtful card for further consideration of the Commission, as will also her son, Ocie, 19 years of age. His name cannot be found upon any of the rolls of the Cherokee Nation in the possession of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Ocie. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martin, D-235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. C. Rothenberger.

Subscribed and sworn to before me this 11th day of May, 1901.

Signed, M. D. Green,
Notary Public.

(SEAL)

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C Jones

Sworn to and subscribed to before me this the 17th of July, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al....Cherokee Freedmen D 239,
Bettie Robinson.....Cherokee Freedmen D 240,
Patsy DeNumber et al.....Cherokee Freedmen D 241,
Aaron Martin, Jr.,.....Cherokee Freedmen D 242,
John Martin et al.....Cherokee Freedmen D 243,
Rosa Robinson et al.....Cherokee Freedmen D 226
Jacob Martin et al.....Cherokee Freedmen D 311,
Sam Martin et al.....Cherokee Freedmen D 342,
Eliza Carbin et al.....Cherokee Freedmen D 727.

-: D E C I S I O N :-

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeNumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Melly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Wannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeNumber, John Martin, son of said Patsy DeNumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nody Robinson, Melly Robinson, Jacob Martin, Lady Martin, Sam Martin, Rose Martin, Caroline Martin, Patsy Martin, Wannie Martin, Eliza Carbin, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby

Signed T. B. Needles

Signed C. R. Breckinridge

Signed W. R. Stanley

Muskogee, Indian Territory,

this Mar - 5 - 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Jacob Martin,
Chelsea, I. T.
Cherokee P-D-Sil.
Visitor.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 239, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Cole, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Mose, Caroline, Patsy and Mannie Martin, Bettie, Rosa, Mody and Molly Robinson, Patsy De Mumber, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. 7-13

Chairman.

Cherokee Freedmen
D-211.

Muskogee, Indian Territory, June 30, 1904.

Jacob Martin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor child, Lady Martin, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-37.

Register.

Cher Fr 1372

Trans. from D342

see Cher Fr 1365 thru 1371; 1373;
D244; D887

Cher Fr 1372

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 16th 1901.

In the matter of the application of Sam Martin for the enrollment of himself and four children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sam Martin.
Q How old are you? A. 31 or 2.
Q What is your pot office? A. Ooelets.
Q In what district do you live? A Coowoescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A. Yessir. I guess so.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any roll? A. The Clifton roll.
Q Who do you want to have enrolled? A. Myself and four children.
Q Apply for your wife? A. No sir not ready to yet.
Q What are the names of your children? A. Rose.
Q How old? A. 12.
Q Next? A. Caroline.
Q How old? A. 8.
Q Next? A. Patsy.
Q How old? A. 5.
Q Next? A, Nannie.
Q How old 2.
Q What is your wifes name? A. Vina.
Q How old is she? A. She must be 32.
Q What is her fathers name? A. Think it is Robinson.
Q Do you wnke her mothers name? A. Nancy Robinson.
Q Is Vina the mother of these children? . Yes sir.
Q Is she your first wife? A. Yes sir.
Q Are you her first husband? A. No sir, she was married before.
Q When did you marry her? A. 14 or 15 years ago.
Q Have you a certificate of marriage? A. No sir.
Q Who married you? A. A Delaware fellow by the name of Adams.
Q Is he living? A. Yes sir.

Kerns Clifton roll examined, applicant identified as follows
Page 117, No. 2915, Sam Martin, Coowoescoooowee dist.
Page 117, No. 2916, Rose Martin, "
Page 117, No. 2917, Caroline Martin, "

Q Are these children all living? A. Yes sir.
Q Was you a slave? A. No sir, my mother was.
Q What is your mothers name? A. Sarah Ann Martin
Q Is she living? A. Yes sir.
Q Has she applied for enrollment? A. Yes sir.
Q Where were you born? A. On Grand river.
In the Cherokee Nation? A. Yes sir.
Q Have you always lived in the Cherokee Nation? A. Yes sir.
Q Do you know anything about your mothers being taken out of the Cherokee Nation during the war? A. No sir, I wasnt born then.
Q Are you a child of Sarah Ann Martin? A. Yes sir.

By Com'r Needles-

Sam Martin applies for himself and four children, towit, Rose, Caroline, Patsy and Nannie; he is not found on the authenticated roll of 1880, but he is duly identified with his two eldest children, Rose and Caroline on the Kerns Clifton roll. He swore that he is married to one Vina Martin, who was a daughter of Nancy Robinson. He makes no proof of marriage. Neither of his two youngest children, Patsy and Nannie are on any roll, consequently he will have to supply the Commission with proof of their birth, and it will be necessary for him to file proof of marriage, Reference is made to the testimony of the case of his mother, Sarah Ann Martin on D. Card 220 and to the testimony in the case of his uncle Amzen Martin on D. Card 225, and the testimony taken in said cases is hereby made a part of this case and copies thereof will be filed with

the record in the case at bar. Satisfactory proof is made as to residence, but by reason of the fact that he is not on the roll of 1880 and for the further reason that his enrollment is contested by the Cherokee Nation the said Sam Martin and his children as named herein will be listed for enrollment as Cherokee Freedmen on a doubtful card to await the further consideration of the Commission. When a decision is reached he will be notified by mail.

The 1880 and 1896 rolls of the Cherokee Nation examined and the applicants not found thereon.

* * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, and correct transcript of his notes.

Chas. von Weise

Subscribed and sworn to before me this the 22d of May, 1901. at Vinita, I. T.

C. R. Breckinridge.

Commissioner.

F Y 342

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FT. I. T.
MAY 16 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

CHEROKEE.

Date May 16, 1901

Post Office Tahlequah I.T.

District Goo

1. Name Sam Martin Age 32

Owner's name Citizenship

Year 66 Page 117 No. 2915 District Goo

Parents:

Father Citizenship

Mother Sarah A. Martin Citizenship

2. Name of wife 342 Age

Owners name 342 342 Citizenship 342

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship 342

Names of Children:

2. Mose Martin Year 66 Page 117 No. 2916 Dist. Goo 12
3. Caroline " Year " Page 117 No. 2917 Dist. " 8
4. Cato " Year [illegible] Page [illegible] No. [illegible] Dist. [illegible] 5
5. Nannie " Year [illegible] Page [illegible] No. [illegible] Dist. [illegible] 2
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

4 and 5 Affidavits of birth received

Certificate of marriage to be supplied

[illegible]

CHEROKEE FREEDMAN. 9342

29 20

IN RE

Application for Enrollment of

INFANT CHILD

Patsy Martin

as a citizen of

CHEROKEE Nation

Approved JUN 27 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 27 1901

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Patsy Martin (Here insert name of child), born on the 2 day of May, 1896

Name of Father: Sam Martin, a citizen of the Cherokee Nation.

Name of Mother: Viney Martin, a citizen of the Martin Nation.

Post-office. Oceola I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Viney Martin, on oath state that I am 32 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Sam Martin, who is a citizen, by adoption, of the Cherokee Nation, that a Female (male or female) child was born to me on the 2nd day of May 1896 that said child has been named Patsy Martin, and is now living.

Viney her X mark Martin

WITNESSES TO MARK

(Must be Two Witnesses) May Louie Downing
Anna H Butler

Subscribed and sworn to before me this 27 *day of* June 1901.

Louis F. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED ~~STATES~~ OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mary Downing, a midwife, on oath state that I attended on Mrs. Viney Martin, wife of Sam Martin, on the 2 day of May, 1896 that there was born to her on said date a female (male or female) child: that said child is now living and is said to have been named Patsy Martin

Mary her X Downing mark

WITNESSES TO MARK

(Must be Two Witnesses) May Louie Downing
Anna H Butler

Subscribed and sworn to before me this 27 *day of* June 1901.

Louis F. Brown
NOTARY PUBLIC

CHEROKEE FREEDMAN. D342

20

IN RE

Application for Enrollment of

INFANT CHILD

Mamie Martin

as a citizen of

CHEROKEE, Nation.

Approved, JUN 27 1901 190

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

Acting Chairman.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Mannie Martin, born on the 20 day of December, 1898
(Here insert name of child)

Name of Father: Sam Martin, a citizen of the Cherokee Nation.

Name of Mother: Viney Martin, a citizen of the Cherokee Nation.

Post-office, Oceleda I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Viney Martin, on oath state that I am 32 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Sam Martin, who is a citizen, by adoption, of the Cherokee Nation, that a female child was born to me on the 20 day of December 1898 that said child has been named Mannie Martin, and is now living.

her
Viney X Martin
mark

WITNESSES TO MARK

(Must be Two Witnesses)
Maylonie Downing
Anna H. Butler

Subscribed and sworn to before me this 27 *day of* June 1901.

Louis F. Brown
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Mary Downing, a midwife, on oath state that I attended on Mrs. Viney Martin, wife of Sam Martin, on the 20 day of December, 1898 that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Mannie Martin

her
Mary X Downing
mark

WITNESSES TO MARK:

(Must be Two Witnesses)
Maylonie Downing
Anna H. Butler

Subscribed and sworn to before me this 27 *day of* June 1901.

Louis F. Brown
NOTARY PUBLIC

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 3 1901

Acting Chairman

To be filed with case of Sam Martin, C. F. D.#642.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MOWATA, I.T., JUNE 26th, 1901.

In the matter of the application of Sam Martin for the enrollment of his wife, Viney, and two children as Cherokee Freedmen; said Martin being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Sam Martin.
Q How old are you? A I don't know exactly, about 33 or 34 years old.
Q What is your post office address? A Oseelata.
Q Cooweescoowee district? A Yes, sir.
Q Who do you desire to have enrolled befores yourself?
A I am done enrolled but I got two children.
Q You are applying for two children? A Yes, sir; my wife and she has got two children.
Q Where is your wife? A She has went out here in the country; she has got sick and I had to send her out there.
Q You say you have been enrolled? A Yes, sir; I enrolled at Vinita.
Q You apply now for the enrollment of your children? A Yes, sir; the two younger ones, I enrolled the two older ones, and she has got two children.
Q Why didn't you apply for your children? A You told me to get that certificate.
Q What is your wife's name? A Viney.
Q Viney what? A She was Viney Martin; she was Viney Robinson.
Q How old is she? A I had her name before a little bit wrong, her brother is older than she is; he states that she is about 36 years old.
Q When were you married to Viney Robinson? A I don't know, sir, how long it has been.
Q Had she ever been married before? A Yes, sir.
Q Who to? A Israel Martin.
Q How does her name happen to be Viney Tobinson when you married her? A She went by that name; he had went to the Pen and she took her first name.
Q She was married to Israel Martin? A Yes, sir.
Q Her maiden name was Robinson? A Yes, sir.
Q What was her father's name? A I don't know.
Q What was her mother's name? A Nannie Robinson.
Q Is she living? A No, sir.
Q Is Viney's name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What roll? A The Kern-Clifton roll and the Wallace roll.
Q Not on the roll of 1880? A No, sir.
Q What are the names of these two children you want to enroll?
A Cora Martin.
Q How old is Cora? A She is about 17 years od.
Q What is the name of the next one? A Jesse, he is about 14 xxx I guess.
Q Are these children alive? A Yes, sir.
Q Living with you at this time? A Yes, sir.

By Mr. Hastings: Where is Israel Martin? A Over on Big Creek.
Q That was your wife's former husband? A Yes, sir.
Q Hadn't your wife ever been married before that? A No, sir.
Q Hadn't you been married before you married this woman? A No, sir.
Q Was any divorce between Israel Martin and your wife? A None no more than the way they generally done when a person married them times under Cherokee law when a fellow was sent to the pen, they claim it divorced from his wife.

Q But there was no Court divorce? A No, sir.
By Mr. Smith: Was this man Israel Martin sent to the penitentiary? A Yes, sir.

W. H. ROBINSON, being first duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name? A W. H. Robinson.
Q Where do you live, Mr. Robinson? A I live in Cooweescoowee district, about five miles north of here.
Q Are you the same William HL Robinson who applied before this Com ission at Chelsea? A Yes, sir.
Q Do you know this man upon the stand here, Martin? A Yes, sir.
Q Is he related to you in any way? A By marriage only.
Q What relation? A Brother-in-law; married a sister of mine.
Q What was her name? A Melvina Robinson.
Q Is your younger or older than you? A Younger.
Q Where does she live? A She lives now about 25 miles west of here, Nowata.
Q Has she any children? A Yes, sir.
Q What are their names? A I don't know as I can call their names exactly, I think one is called Mose and one Vadie and one called Caroline and I forget the other's one's name.
Q Would you know it if you would hear it? A Yes, sir.
Q Well did she have any children, Mr. Robinson, before she married this man, Martin? A yes, sir.
Q How many did she have? A Twoe.
Q Now, you called the names of Mose and Carol9ne and what other names did you call? A Seems to me like her name Vadie.
Q Did you know one Patsy? A She has two younger children, I don't know their names.
Q Well, do you remember the names of the older; first she had been, she married this man Martin? A No, sir, I don't believe I can call the names, they live quite a ways from me and has ever since they was born.
Q Is Melvina a full sister of yourself? A Yes, sir.
Q You testified in the case of your brother, John Wesley Robinson, did you? A Yes, sir.
Q Do you remember whether you mentioned the name of your sister, Melvina Martin, in that case? A Yes, sir.
Q With reference to the time that you came back to the Cherokee Nation when did Melvina come? A She come back as we come back.
Q What was your father's name? A Lumford Robinson.
Q What was your mother's name? A Ann Robinson.
Q Who are your brothers and sisters? A Tobe they call him, J. W. Martin, Margaret, Melvina, Josephine and Mary.
Q Are they all living? A No, sir.
Q Which ones are dead? A Mary.
Q Josephine living? A Yes, sir.
Q What is her name now? A Josephine Martin.
Q And the other one you mentioned, what is her name?
A Martha, Margaret.
Q Is she married? A Yes, sir, she has been, her and her husband separated, her name is Hill.
Q Were all of these children whose names you have stated with you at the time you returned to the Cherokee Nation or only a part of them? A They all came back.
Q All came together? A Yes, sir.
Q State whether they all lived up to the time they were grown, up to the time th after they came back to the Cherokee Nation? A They all lived with my father, of course, we all kept by mother until we got to be grown of course he died before the younger children got of age; they were quite small when he died and consequently mother kept them several years before she died.
Q Where did your father die? A He died in Saline district, Cher-

okee Nation.

By Mr. Hastings: In what year did your father die?
A He died about 25 years ago, that was '75 I believe.
Q On what place did he live? A He was staying with me at the time with me at the time of his death.
Q Where was your mother at that time? A She was with the children.
Q Where were they? A On Big Creek.
Q How long had she been living at Big Creek at that time?
A She must have been living there eight or ten years.
Q Where was this girl born, Melvina? A She was born in Kansas.
Q In what town? A Fort Scott.
Q What is the other, next younger than she? A Josephine.
Q Where was Josephine born? A Josephine was born in the Cherokee Nation.
Q Where? A Cabin Creek.
Q How long had your parents been living there when Josephine was born? A Oh, three or four months.
Q How old is Josephine? A Josephine is 34 I believe, 33 or 4 as well as I can remember, I don't know the ages exactly.

The 1880 authenticated roll and 1896 census roll of Freedmen of the Cherokee Nation examined and name of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, as follows:

Page 122, #3026, Melvina Robinson, Cooweescoowee district, 30 years of age.

WITNESS: I made a mistake in calling the oldest child's name, it is Cora instead of Vadie.

Page 119, #2948, Cora Martin, Delaware district.
Page 118, #2944, Jesse Martin, Delaware District.

Name of applicant's wife's sister appears upon the Kern-Clifton roll, page 122, #3027, Josephine Robinson, Cooweecoowee district, 28 years of age.

COMMISSIONER MEEDLES: Samuel Martin applies for the enrollment of his wife, Melvina, and her two children, Cora and Jesse. He avers that Melvinta Martin was the former wife of one Israel Martin and has no knowledge of any divorce of said Melvina Martin from her husband, Israel Martin, who was the father of the children for whom he applies, viz: Cora and Jesse. He avers that the said Melvina Martin is a sister of William H. Robinson, her maiden name having been Robinson and William H. Robinson, is entolled upon doubtful card #674, and the testimony taken in the matter of the application of William H. Robinson will be made part of the record in the case at bar and a copy thereof filed herewith.

It is ordered that the testimony of Samuel Martin taken in the present application as to the marriage of his wife to Israel Martin and her marriage to himself be made part of the record in the case of the application of Samuel Martin for the enrollment of himself and his children, who are listed for enrollment on doubtful card #342.

The said applicant makes satisfactory proof as to the residence of said children for whom he applies and also as to his wife, consequently Melvina Martin and her children, Cora and Jesse, will now be listed for enrollment upon a doubtful cardas CherokeeFreedman. Said applicant will be duly notifiee at his post office address of the action of the Commission in the premises.

MR. SMITH: Applicant offers Section 692 of the Compiled Laws of the Cherokee Nation, which by agreement of Counsel will be referred to.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 27th day of August, 1901

Commissioner.

Well?

[illegible]

[illegible] appeared and a moment later [illegible] before me.

[illegible] Stanley [illegible]

[illegible] Holmes.

[illegible] Stanley Hopkins [illegible] be arrested [illegible] the murder [illegible] and [illegible] the [illegible] Hotel [illegible] recorded [illegible] [illegible] [illegible]

To be filed in the case of Sam Martin

C. T. N. #342

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 10, 1901.

In the matter of the application of Sarah Ann Martin for the enrollment of herself and one child as Cherokee Freedmen; she being sworn and examined by Commissioner T.B. Needles testified as follows:

Q What is your name? A. Sarah Ann Martin.
Q How old are you? A. About 50 I guess.
Q What is your postoffice address? A. Chelsea.
Q What district do you live in? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Did your sister apply to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. It ought to be.
Q Who do you desire to enroll besides yourself? A. Well, I have got nine children, but all of them are married but one.
Q How old is that one? A. 19 years old.
Q What is its name? A Ocie Martin.
Q Are you married? A No sir.

The 1880 authenticated roll and the 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q What was your father's name? A. Jake Martin.
Q What was your mother's name? A. Nellie Martin.
Q What relation are you to Aaron Martin ? A. A sister.
Q Did you draw what is known as the strip money? A Yes sir.

The Kern Clifton roll examined and the name of the applicant is found on page 117 No 2308 Sarah Martin, Cooweescoowee district

The Kern Clifton roll examined for her child and its name cannot be found thereon.

Q Were you a slave before the war? A. Yes sir.
Q To whom did you belong? A. To John Martin
Q Was he a Cherokee by blood? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir
Q Where did you go to? A. I went to Kansas.
Q When did you return from Kansas? A. In '66.
Q Who did you come with? A With Annie Frey and Peter Williams.
Q Were you married at that time? A. Yes, my man was in Kansas; he staid there.
Q Was he a state man? A. No sir.
Q Is he living now? A No sir he is dead.
Q You came back in 1866? A Yes sir.
Q Been here ever since? A. Yes sir.
Q Did you come back with Aaron? A. Yes sir.

(W. W. Hastings (What was your husband's name? A. Jake Martin.

Q He didn't come with you? A. No sir.
Q Did he come after you did? A. Yes sir.
Q Did you remain down here when you came? A. Yes sir.
Q You never went back to Kansas? A. No sir.

(Commissioner) Have you any witnesses here? A Yes sir. Andy Frey and Capt Hicks.

Andy Frey being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Andy Frey.
Q How old are you? A. 38.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Acknowledged by the Cherokee Nation as such? A. Yes sir.
Q Do you know Sarah Ann Martin here, the applicant? A Yes sir.
Q Was she a slave? A. Yes sir.

Q Whom did she belong to? A. John Martin.
Q Do you know whether she was taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where did she go? A. She went up in Kansas with the rest of them.
Q When did she return? A. In '66.
Q Did you see her in the Cherokee Nation in '66? A She came with me when I came back.
Q You were in Kansas with her? A. Yes sir, wasn't right with her; wasn't living right with her; I seen her there.
Q When you returned from Kansas, she returned with you? A. Yes sir.
Q That was in 1866? A Yes sir.
Q She has been living here ever since? A. Yes sir.
(W. W. Hastings) How many children came with her? A. Well, I don't recollect how many children came with her.
Q Her husband didn't come with her? A. No sir, her husband didn't come
Q Her husband was Jake Martin? A. Yes sir.
Q She remained there down here after she came? A. Yes sir.
Q All the time? A. Yes sir.

Filmore Hicks, being sworn and examined by Commissioner Beadles testified as follows:

Q What is your name? A. Filmore Hicks.
Q Your age? A. 53.
Q What is your post office address? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Do you know Sarah Ann Martin? A. Yes sir.
Q The applicant here? A. Yes sir.
Q Was she a slave before the war? A. Yes sir, I suppose she was, said to be.
Q Where did you first see her after the war? A. At Dr. Thompson's place
Q What year was that? A. In the fall of '66.
Q Have you known her ever since the fall of '66? A Yes sir.
Q Has she always lived in the Cherokee Nation? A. Yes sir, all the time
Q You are satisfied that you saw her in the Cherokee Nation in the fall of 1866? A Yes sir, I am satisfied of that.
(W. W. Hastings) You were eight years old? A I was 18 then.
Q You are 53? A Yes sir.
Q How many of her children did you see up there then? A. Four.
Q What were their names? A. Betsy, Mary, the oldest one was named Henry and John.
Q You say them all up there? A. Yes sir, I remember of seeing them all
Q How far was that from where you lived? A About 6 or 8 miles.
Q Do you remember now 35 years ago of seeing this colored woman and three children? A Yes sir.
Q How many more colored people did you see up there at the Thompson place? A There was a good many, Aaron Martin, Rose, Al. Lynch, Andy Posey; they all lived there.
Q How long after she came down? A. It hain't been very long; the way I happened to go, Aaron Martin came down and rented some land from my brother and I went up there, and I saw her and I knew her. Aaron rented from my folks and moved down there.
(Commissioner of applicant) Sarah Ann, did you and Aaron come down together? A. Yes sir.
Q You and Aaron are brother and sister? A. Yes sir.
(W. W. Hastings) Were you living with your husband in Kansas?
A Yes sir.
Q Why didn't he come with you? A. His mother died and he had to stay there and pay for the expenses.
Q How long after you came, did your husband come? A. About a year.
(Commissioner) Did you draw for Ocie? A No sir, I didn't draw for Ocie; his name got misplaced.
Q There is Ocie? A. He is at home.
Q Are you sure you didn't draw for Ocie? A No sir, I didn't draw for him.

Sarah Ann [redacted] for the enrollment of herself and son, Cole, [redacted] opposed under the authorized roll of 1896, but [redacted] on the Farm District pay roll. By reason of [redacted] name is not found upon the authenticated roll of 1896, [redacted] the protest of the Cherokee Nation, the right of Sarah Ann Martin will be passed upon when it is submitted as a supplemental roll for further consideration of the Commission, and [redacted] her son, Cole, is under 19 years of age. His name cannot be found [redacted] any of the rolls of the Cherokee Nation or the records of the Commission, consequently it will be necessary for the applicant to file with the Commission satisfactory proof of birth of said Cole. Reference is made herein with reference to the testimony taken in the case of her brother, Aaron Martion, D- 235, which will be made a part of her case at bar. When the Commission arrives at the conclusion of your case, you will be notified by mail.

= = = = = = = =

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 11th day of May, 1901.

(Signed) M. D. Green.
Notary Public

(SEAL)

I, the undersigned state upon my oath that the foregoing is a true copy of the original.

Subscribed and sworn to before me this 5th of September, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

To be filed with the case of Sam Martin C. P. D. #342

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I. T. May 10, 1901

In the matter of the application of Aaron Martin for he enrollment of himself and three children as Cherokee freedmen;he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Aaron Martin.
Q How old are you, Aaron? A. I guess about 67 or 68.
Q What is your post office address? Al Chelsea.
Q What district do you live in? A. Coowescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A. I think 4 there are three on the roll with their mother.
Q Has their mother been here? .A Their mother is dead.
Q What are the names of the three children? A. Frances Martin.
Q How old is Frances? A. 13.
Q The next one? A. Neely
Q How old is Neely? A About 9.
Q The next one? A. Phoebe.
Q About how old is Phoebe? A About 7.
Q Who was the mother of these children? A Cora Adams.
Q Her name was Cora Adams before you married her? A. Yes sir.
Q About how old would Cora be if she were alive? A I dont know sir.
QHave you been recognized by the Cherokee auhorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A I dont know, sir; it ought to be.
Q Have you ever applied to be enrolled by any other tribe or nation?
A No sir.

The 1880 authenticated Roll of the freedmen of the Cherokee Nation examined and the name of the applicant not found thereon The 1896 census roll of the freedmen of the Cherokee Nation examined and the names of the applicants not found thereon.

Q Did you receive your money known as the Cherokee Strip money? A Yes sir.

The Kern Clifton roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page 118,No 2939, Aaron Martin, Delaware district.

Q Aaron, were you a slave before the war? A. Yes sir.
Q Who did you belong to? A John Martin.
Q Was he a Cherokee citizen? A. Yes sir.
Q By blood? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A. To Kansas.
Q When did you return from Kansas after the war? A. In 1866.
Q Have you been living in the Cherokee Nation ever since 1866? A Yes sir.
Q Your name is not found on the roll of 1880, do you know the reason why? A No sir.
Q Did you ever apply to the Cherokee Council to have your name placed on the roll of 1880? A. No sir, I didn't
Q Have you any witnesses here? A. Yes sir.
Q Who are they? A Cap Hicks, and Andrew Frye.
(W. W. Hastings)
Q Where did you come to when you come back? A. I come to Dr. Thompson's place over there to Grand river.
Q You are a blacksmith? A. No sir.
Q Another Martin is a blacksmith? A. Yes sir.

Q Who was living down there at the Thompson place when you come back? A Why Mr. Jesse Cochran was living at Johnson Thompson's place when I got back.
Q How long did you live at that place? A. I staid there until along sometime about Christmas, I reckon; I went down to Cap Hicks' mother then.
Q About what time did you come down to the Cherokee Nation after the war - what time in '66? A It was some time in the fall.
Q You have lived there ever since? A. Yes sir.

Andrew Frey, being sworn and examined by Commissioner T. B. Needles, on part of the applicant, testified as follows:

Q Is your name Andrew Frey? A Yes sir.
Q How old are you? A. 66.
Q What is your postoffice? A. Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Freedman? A. Yes sir.
Q Do you know Aaron Martin? A Yes sir.
Q How long have you known him? A. Why I don't know, sir, just exactly how long, ever since we were boys.
Q Was he a slave? A. Yes sir.
Q To whom did he belong? A. He belonged to John Martin.
Q Do you know where Aaron Martin was in the year 1866? A. Yes sir.
Q Where? A. He was over here across the river part of the year 1866.
Q In the Cherokee Nation? A. Yes sir.
Q Did he go out of the Cherokee Nation during the war? A. Yes sir.
Q Where did he go? A. He went to Fort Scott and from Fort Scott to Garnett, all around in there. He didn't stay at one place long.
Q Did he return? A. Yes sir.
Q In what year? A. In '66.
Q Are you any relation to him? A. No sir.
Q Was he married at that time? A. Yes sir.
Q Was his family with him? A. Yes sir.
Q Did his family return with him? A. Yes sir.
Q Were you a slave? A. Yes sir.
Q To whom did you belong? A. I belonged to Mary Clark.
Q ~~Did~~ Were you in Kansas with Aaron Martin? A. Yes sir.
Q Did you return with him? A. Yes sir.
Q Have you known Aaron Martin well since that time? A. Yes sir.
Q Has he lived in the Cherokee Nation since? A. Yes sir.
(W. W. Hastings)
Q You say he come back with you? A. Yes sir.
Q Who else come along? A. There were lots of others, I dont recollect now who all came along; there was a big crowd of us.
Q Well, name some of the rest of them? A. Peter Williams.
Q Anybody else? A I dont know who else.
Q That is all you can remember? A Yes sir.
Q What time in the year did he come back? A. He come back- we got back over to Dr. Thompson's place the 3rd of October, '66.
Q Any colored folks there when you got there? A No one at all.
Q You are positive about that, are you? A. Yes sir, no one at all there
Q That was in October, '66? A Yes sir.
(L. B. Bell) Who got back first, you or Judge Daniels'family? A Me.

Filmore Hicks, being sworn and examined by Commissioner Needles on part of the applicant, testified as follows:

Q What is your name? A. Filmore Hicks.
Q What is your age? A. 58.
Q What is your postoffice address? A. Vinita now.
Q Are you a citizen of the Cherokee Nation? A. Yes sir.
Q By blood? A. Yes sir.
Q Do you know the applicant, Aaron Martin? A. Yes sir.
Q How long have you known him? A I have known him about nearly forty yeare I reckon: I knew him before the war.

Q Was he a slave? A. Yes sir, I suppose he was.
Q Who did he belong to? A. John Martin.
Q Do you know whether he went out of the Cherokee Nation during the war? A Well, I suppose he was; he wasn't around in the neighborhood.
Q When did you first see Aaron Martin after the war? A. Late in the fall of '66.
Q Where at? A. At my mother's.
Q Have you known him since that? A. Known him ever since.
Q Has he always lived in the Cherokee Nation since that? A Yes sir.
Q Did he have a family at that time? A. Yes sir.
Q Was his family with him? A. Yes sir, they were up at Dr. Thompson's place; he came to my mother's and wanted to rent some land.
Q He rented some land? A. Yes sir.
Q Did he farm that land in the fall of '66? A No sir, in the fall of '67
(W.S.Hastings) Who farmed it in '75 A Young Wolf, my mother's husband.
Q Did you ever have a renter after you had this fellow? A. No we had some hired hand, not any renter.
Q How far did you live from the mouth of Cabin Creek? A We just lived across the river; I reckon it isn't over three quarters of a mile.
Q Opposite the mouth? A Just below a little on the other side of the river.
Q Your mother has a farm there still year? A. Yes sir.
Q Are you positive this man tilled land there in the year '67? A Yes sir.
Q Do you know what he cultivated? A. He put in corn.
Q About what size farm did your mother have that year? A. About 20 or 25 acres.
Q You were at home then with her? A. Yes sir.
QWhat was your age then? A. 17 or 18.
Q Did your mother have any other help besides you? A. A bot older than I am and two younger than I am.
Q You never helped to cultivate the place that year? A. Not much.
{ Commissioner } Did you draw money for Frances and Neely? A Yes sir
{ of Applicant }

The Kern Clifton roll of the Freedmen of the Cherokee Nation examined and the names of the applicant's two oldest children are identified thereon as follows:
page 23 No 568 Frances Adams, Delaware district.
page 23 No 569 Nealey Adams, Delaware district.

Q Are their names Adams or Martin? A. Martin is their name.
Q You didn't draw any money for Phoebe? A No sir, she was too young they said.
Q These children all alive and living with you at this time? A. Yes sir

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant's wife is found on page 218 No 44, Cora Adms, Delaware District.

Aaron Martin applies for the enrollment of himself and three children, Frances, Neely, and Phoebe. His name is not found upon the authenticated roll of 1880, but is found upon the Kern Clifton roll. By reason of the fact that his name is not found upon the roll of 1880, and his citizenship is contested by the Cherokee Nation, his name will be placed upon a doubtful card. When the Commission arrives at a decision in his case, he will be notified by Mail. He swears that his children, Frances, Neely and Phoebe, are the children of Cora Adams, his wife, and the name of Cora Adams is found upon the authenticated roll of 1880 and Frances and Neely are identified upon the Kern Clifton pay roll. The name of Phoebe is not found upon any roll, having been born after the said rolls were compiled. They are all duly identified and make satisfactory proof as to residence, consequently, Frances, Neely and Phoebe Martin will be duly listed for enrollment as Cherokee freedmen. Their names appear upon

[redacted] as the [redacted] it will be [redacted] proof of [redacted]

* * * * * * * * * * * * * * * *

The undersigned, being duly sworn, states that he is stenographer to the [redacted] recorded the testimony and [redacted] foregoing is a full, true and correct transcript of [redacted] thereof.

([redacted]) E. O. [redacted]berger

Subscribed and sworn to before me this 11th day of [redacted], 1901

(Signed) E. H. Green

Notary Public.

{SEAL}

\# \# \# \# \# \# \# \# \# \# \# \# \# \# \# \# \#

I, Chas. von Weise, upon my oath state that in substance the above is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 9th of September, 1901

Commissioner.

Wm. H. Green

Fd 342

This Certifies

That the Rite of

Holy Matrimony

Was Celebrated Between

Sam Martin of Cherokee Nation Indian Territory ---------And

Vina Robison of Cherokee Nation, Ind Ter.

on the 27th day of March A. D. 1884.

Done At near Alluwe, Cherokee Nation, Ind Ter----------

By Rev William Adams,------a minister

of the Gospel.

Signed) Wm. Adams.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., December 11, 1903.

The undersigned, a member of the Commission to the Five Civilized Tribes, hereby certifies that the above is a true and correct copy of the original Marriage Certificate, now on file in the office of the Commission.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al....Cherokee Freedmen D 239,
Bettie Robinson.....Cherokee Freedmen D 240,
Patsy DeMumber et al.....Cherokee Freedmen D 241,
Aaron Martin, Jr.,.....Cherokee Freedmen D 242,
John Martin et al.....Cherokee Freedmen D 243,
Rosa Robinson et al.....Cherokee Freedmen D 296
Jacob Martin et al.....Cherokee Freedmen D 311,
Sam Martin et al.....Cherokee Freedmen D 342,
Eliza Carbin et al.....Cherokee Freedmen D 727.

-: D E C I S I O N :-

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeMumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Nody and Nelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1866 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeMumber, John Martin, son of said Patsy DeMumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Nody Robinson, Nelly Robinson, Jacob Martin, Lady Martin, Sam Martin, Rose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Hattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress Approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby

Signed T. B. Needles

Signed C. R. Breckinridge

Signed W. W. Stanley

Muskogee, Indian Territory,

this Mar - 8 - 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Sam Martin,
Okolata
~~Osceola~~, I. T.

Chronicle 7-5-'40.

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D 339, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Rose, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Wody and Melly Robinson, Patsy De Mumber, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Encl. W-18

Chairman.

Cherokee Freedmen
D-342.

Muskogee, Indian Territory, June 30, 1904.

E. N. Lawson,

Attorney for Sam Martin, et. al.

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting, among others, the application for the enrollment of Sam Martin, and his minor children, Mose Martin, Caroline Martin, Patsy Martin and Nannie Martin, as Cherokee freedmen.

Respectfully,

Enc. L.-39.

Register.

Commissioner in Charge.

Cherokee Freedmen
D-342.

Muskogee, Indian Territory, June 30, 1904.

Sam Martin,

Coh[illegible] Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's decision, dated March 8, 1904, granting among others, the application for the enrollment of yourself and your minor children, Rose Martin, Caroline Martin, Patsy Martin and Nannie Martin, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-38.

Register.

Cher Fr 1373

Trans. from D727

See Cher Fr 1365 thru 1372; 1294;
R 123

Cher Fr 1373

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 28 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 12th 1901.

In the matter of the application of Sanford Curtin for the enrollment of himself, his wife and five children,(two of them being step children) as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sanford Curtin.
Q How old are you? A. I am about 35.
Q What is your post office address? A. Chelsea.
Q In what district do you live? A. Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. My wife and children.
Q What is your wifes name? A. Eliza Foster before I married her.
Q How old is she? A. 26.
Q How many children have you? A. Six.
Q What are the names of your children? A. Lewis Foster.
Q How old is he? A. 13.
Q Next one? A. John Foster.
Q How old is he? A. 10.
Q The next one? A. Hattie Curtin.
Q How old? A. 8.
Q Next? A. Henry Curtin.
Q How old? A. 5.
Q Next? A. Eddie.
Q How old? A. 4 months.
Q Is your name on the 1880 roll? A. No sir.
Q What is your fathers name? A. Felix Curtin.
Q No living? A. Yes sir.
Q Has he been enrolled? A. No sir he didn't apply yet.
Q What is your mothers name? A. Malsie.
Q Is she living? A. Yes sir.
Q Has she been enrolled? A. Yes sir.
Q Is your wife on the 1880 roll? A. No sir.
Q What is her fathers name? A. Bob Foster.
Q Is he living? A. Yes sir.
Q What is her mothers name? A. Betsy Robinson.
Q Is she living? A. Yes sir.
Q Does your wife claim through her father or mother? A. Mother.
Q Robinson is her mothers name now is it? A. Yes sir.
Q Has she been before us? A. Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. On the Dawes roll.
Q Did you draw stamp money? A. No sir.

The Dawes roll examined and the name of the applicant found as follows- Page 169 No. 2980, Sanford Curtin, Coowescoowee district.

Applicant not on the 1880, 1890 or Delaware Clifton rolls.

Q Did you draw stamp money for these children? A. No sir, my wife drew for her and her children.
Q Has you ever received Indian you annuities? A. No sir.
Q Has she ever received Indian the annuities of you? A. No sir.
Q Are these children all living now? A. Yes sir.
Q How many living with you? A. All sir not all of them.
Q Has you all ever been living together? A. Yes sir.
Q Have you all children? A. Yes sir the [illegible] their grandmother of the citizen is with me.

The Kern Clifton roll examined and the name of the applicants wife and step child identified thereon as follows:
Page 115, No. 2830, Eliza Foster, Tahlequah district.
Page 115, No. 2831, John Foster, Tahlequah district.

Q Is Lewis your child? A No sir.
Q Is John yours? A No sir.
Q They are named Foster? A. Yes sir.
Q Is Hattie yours? A. Yes sir.
Q Her name is Corbin? A. Yes sir.
Q Is Henry yours? A. Yes sir.
Q Is Bobbie yours? A. Yes sir.
Q Your wife had these other two children before you married her? A. Yes sir.
Q But she was never married before? A. No sir.
Q Where were these children born? A. In Cooweescoowee district.
Q They are all living now? A. Yes sir.
Q You claim through your mother Melsie? A. Yes sir.
Q Where were you born? A. I was born in Saline district..
Q Cherokee Nation? A. Yes sir, on the other side of Grand river.
Q Where was your wife born? A. In Saline district.
Q She claims through her mother Betsy Robinson? A. Yes sir.
Q Was your wifes mother ever named Martin? A. Yes sir.
Q Who is this boy John Foster living with? A. His grand mother.

By Com'r Needles,-

Sanford Corbin applies for himself, his wife Eliza, and two children of his wife's, Lewis and John Foster, and three children of his by his present wife,namely, Hattie, Henry and Bobbie Corbin. The applicant himself cannot be identified on any of the rolls except the Wallace roll. He avers that he is the son of one Melsie Corbin and he claims his citizenship through his said mother, and upon an examination of the records it is found that the said Melsie has been enrolled on Rejected Card 88, and the testimony taken in the case of Melsie Corbin will be made a part of the record in this case and a copy thereof will be filed herein, and the application of the said Sanford Corbin for the enrollment of himself will be rejected, as he makes no claim other than through his mother Melsie Corbin. He avers that his wife Eliza is the child of Bob and Betsy Robinson, and he makes satisfactory proof as to the citizenship of his wife and it is found upon an examination of the records that the said Betsy Robinson was listed for enrollment on D. Card #248, and that reference was made in her application to the enrollment of Aaron and Sarah A. Martin, who have been enrolled on D. Cards, # 250 and #250 respectively, and the testimony in the case of Betsy Robinson, D-248 and of Sarah Ann Martin D-250 and of Aaron Martin D-250 is hereby referred to and the same will be made a part of the record in this case and copies thereof will be filed in this application.
The name of John Foster, for whom he applies, averring that he is the child of his wife Eliza before he married her , is identified on the Kern Clifton roll, but the names of none of the other children applied for are identified on the rolls of the Cherokee Nation now in the possession of the Commission, consequently it will be necessary for him to make satisfactory proof as to the birth of Lewis Foster, Hattie, Henry and Bobbie Corbin; and now the said Eliza Corbin,nee Foster, and her five children as named in the testimony will be listed for enrollment as Cherokee freedmen on a doubtful card, and the applicant will be notified of the final decision of the Commission, by mail.

[redacted]

[redacted]

[redacted]

B

7D727

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901

Post Office Chelsea I.T.

District Coo

1. Name [illegible] Age 23

Owner's name [illegible] Citizenship

Year Roll Page [illegible] No. [illegible] District [illegible]

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

11 Name of wife Eliza Foster Age 26

Owner's name [illegible] Citizenship

Year 1896 Page 115 No. 2915 District Coo.

Parents:

Father [illegible] Citizenship

Mother [illegible] Citizenship

Names of Children:

		Year	Page	No.	Dist.	
13.	Louis Foster					13
14.	Ida "	Year	Page 13	No. 225	Dist. Cak.	10
15.	Hattie "	Year	Page	No.	Dist.	5
16.	Harry "	Year	Page	No.	Dist.	3
17.	[illegible]	Year	Page	No.	Dist.	
18.	Lucy	Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12		Year	Page	No.	Dist.	

Application made by [illegible] Stenographer [illegible]

[illegible]

2, 4, 5 and 6 [illegible]

[illegible]

X 240

CHEROKEE FREEDMAN.

20 D727

IN RE

Application for Enrollment of

INFANT CHILD

Henry Scarbin

as a citizen of the

CHEROKEE Nation.

Approved, JUL 8 1901 190

T. B. Needles

Commissioner.

CHEROKEE

FILED

JUL 8 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Henry Carbin (Here insert name of child), born on the 20 day of May, 1898

Name of Father: Sanford Carbin, a citizen of the Cherokee Nation.

Name of Mother: Eliza Carbin, a citizen of the Cherokee Nation.

Post-office, Chelsea I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Eliza Carbin, on oath state that I am 26 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Sanford Carbin, who is a citizen, by Blood, of the Cherokee Nation, that a male (male or female) child was born to me on the 20 day of May 1898, that said child has been named Henry Carbin, and is now living.

Eliza Carbin

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June *1901.*

David G. Elliott
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern District.

I, Bettie Robinson, a Midwife, on oath state that I attended on Mrs. Eliza Carbin, wife of Sanford Carbin on the 20 day of May, 1898, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Henry Carbin.

Bettie Robinson

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June *1901.*

David G Elliott
NOTARY PUBLIC.

CHEROKEE FREEDMAN. 20 9727.

IN RE

Application for Enrollment of

INFANT CHILD

Ruby Lozobird

as a citizen of

[redacted] Nation.

Approved JUL 8 1901 190

T. B. Needles

Commissioner.

RECEIVED
JUL 8 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Ruby Carbin (Here insert name of child) born on the 19 day of April, 1901

Name of Father: Sanford Carbin, a citizen of the Cherokee Nation.

Name of Mother: Eliza Carbin, a citizen of the Cherokee Nation.

Post-office, Cheleen I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Nation District.

I, Eliza Carbin, on oath state that I am 26 years of age and a citizen, by Blood, of the Cherokee Nation; that I am the lawful wife of Sanford Carbin, who is a citizen, by Blood, of the Cherokee Nation, that a female (male or female) child was born to me on the 19 day of April 1901, that said child has been named Ruby Carbin, and is now living.

Eliza Carbin

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June 1901

David L Elliott

NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Nation District.

I, Bettie Robinson, a Midwife, on oath state that I attended on Mrs. Eliza Carbin, wife of Sanford Carbin on the 19 day of April, 1901 that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Ruby Carbin.

Bettie Robinson

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June 1901.

David L Elliott

NOTARY PUBLIC.

CHEROKEE FREEDMAN. D727

20

IN RE

Application for Enrollment of

INFANT CHILD

Louis Foster

as a citizen of

CHEROKEE Nation.

Approved, JUL 8 1901 190

T. B. Needles.

Commissioner.

RECEIVED
JUL 8 1901

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE. Nation,

of Louis Forester, born on the 11 day of April 1888
(Here insert name of child)

Name of Father: Will Tucker, a citizen of the Cherokee Nation.

Name of Mother: Eliza Carbin, a citizen of the Cherokee Nation.

Post-office, Chelsea I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
Northern District. }

I, Eliza Carbin, on oath state that I am 26 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Will Tucker, who is a citizen, by Blood, of the Cherokee Nation, that a male child was born to me on the 11 day of April 1888 (male or female) that said child has been named Louis Forester, and is now living.

Eliza Carbin

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29th *day of* June 1901.

David L Ellett
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY. }
Northern District. }

I, Bettie Robinson, a Midwife, on oath state that I attended on Mrs. Eliza Carbin, wife of Will Tucker, on the 11th day of April, 1888 that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Louis Forester.

Bettie Robinson

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June 1901.

David L Ellett
NOTARY PUBLIC

CHEROKEE FREEDMAN. D727.

20

IN RE

Application for Enrollment of

INFANT CHILD

Hattie Scarbrie.

as a citizen of

CHEROKEE. Nation.

Approved JUL 8 1901 190

C. R. Breckinridge.

Commissioner.

JUL 8 1901

2nd.

RO 1373

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Hattie Carbin (Here insert name of child), born on the 14 day of Jan, 1896

Name of Father: Sanford Carbin, a citizen of the Cherokee Nation.

Name of Mother: Eliza Carbin, a citizen of the Cherokee Nation.

Post-office, Tahlena I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA. (INDIAN TERRITORY.)
Northern District.

I, Eliza Carbin, on oath state that I am 26 years of age and a citizen by Blood, of the Cherokee Nation; that I am the lawful wife of Sanford Carbin, who is a citizen, by Blood, of the Cherokee Nation, that a female (male or female) child was born to me on the 14 day of January 1896 that said child has been named Hattie Carbin, and is now living.

Eliza Carbin

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June *1901.*

David L Elliott
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA. (INDIAN TERRITORY.)
Northern District.

I, Bettie Robinson, a Midwife, on oath state that I attended on Mrs. Eliza Carbin, wife of ~~Sanford~~ Carbin, on the 14 day of January, 1896 that there was born to her on said date a (male or female) child; that said child is now living and is said to have been named Hattie Carbin.

Bettie Robinson

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 29 *day of* June *1901.*

David L Elliott
NOTARY PUBLIC

E.

DEPARTMENT OF THE INTERIOR.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, August 1st, 1902.

In the matter of the application of Eliza Carbin for the enrollment of herself and children--Lewis Forester, John Forester, Mattie Carbin, Henry Carbin and Ruby Carbin--as Cherokee Freedmen.

Supplemental to F-B 787.

Appearances:

Applicant appears in person.
Cherokee Nation by W. W. Hastings.

ELIZA CARBIN, being duly sworn, testified as follows:
Examination by the Commission.

Q. What is your name? A. Eliza Carbin.
Q. How old are you? A. 28.
Q. What is your post office address? A. Chelsea.
Q. Where were you born? A. In Saline district.
Q. Cherokee Nation? A. Yes, sir
Q. Have you ever lived outside of the Cherokee nation? A. No, sir; never was out any.
Q. Never have been out in your life? A. No, sir.
Q. Were your children born here? A. Yes, sir.
Q. Lived here all their lives? A. Yes, sir.
Q. What is the name of your husband? A. He is named Sanford Carbin.
Q. Where did you marry him? A. I married over on Prior Creek four miles northeast of Chelsea.
Q. Have you lived with him all the time? A. Yes, sir.

Examination by Mr. Hastings.

Q. Did you go from Canadian to Coeweescoewee? A. I don't know anything about Canadian.
Q. I though you said you were born in Canadian district. A. I said Saline.
Q. Did you go from Saline to Coeweescoewee? A. I guess so, I was brought here when I was a baby.
Q. Where were you brought from? A. Saline district.

Jesse O. Carr, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony in this case and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Jesse O. Carr

Subscribed and sworn to before me this 2nd day of August, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sarah A. Martin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Sarah A. Martin et al....Cherokee Freedmen D 239,
Bettie Robinson.....Cherokee Freedmen D 240,
Patsy DeNumber et al.....Cherokee Freedmen D 241,
Aaron Martin, Jr.,.....Cherokee Freedmen D 242,
John Martin et al.....Cherokee Freedmen D 243,
Rosa Robinson et al.....Cherokee Freedmen D 295
Jacob Martin et al.....Cherokee Freedmen D 311,
Sam Martin et al.....Cherokee Freedmen D 342,
Eliza Carbin et al.....Cherokee Freedmen D 727.

-: D E C I S I O N :-

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sarah A. Martin for herself and minor child, Ocie Martin; by Bettie Robinson, for herself; by Patsy DeNumber, for herself and minor child, John Martin; by Aaron Martin, Jr., for himself; by John Martin, for himself and minor children, Jerome, Susan, Catherine and Frank Martin; by Rosa Robinson, for herself and minor children, Wody and Kelly Robinson; by Jacob Martin, for himself and minor child, Lady Martin; by Sam Martin, for himself and minor children, Rose, Caroline, Patsy and Nannie Martin, and by Sanford Carbin, for himself and wife, Eliza, and minor children, Louis Foster, John Foster, Mattie Carbin, Henry Carbin and Ruby Carbin. The said Sanford Carbin is differently classified and is not embraced in this decision.

The evidence shows that the said Sarah A. Martin and her daughter, Bettie Robinson, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they removed to the State of Kansas but returned to the Cherokee Nation in 1864 and have since continuously resided therein.

All the other applicants herein are the descendants of either the said Sarah A. Martin or Bettie Robinson, and all of said applicants have resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that the said Sarah A. Martin, Ocie Martin, Bettie Robinson, Patsy DeNumber, John Martin, son of said Patsy DeNumber, Aaron Martin, Jr., John Martin, Jerome Martin, Susan Martin, Catherine Martin, Frank Martin, Rosa Robinson, Wody Robinson, Kelly Robinson, Jacob Martin, Lady Martin, Sam Martin, Rose Martin, Caroline Martin, Patsy Martin, Nannie Martin, Eliza Carbin, Louis Foster, John Foster, Mattie Carbin, Henry Carbin and Ruby Carbin should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Signed Tams Bixby

Signed T. B. Needles

Signed J. R. Breckinridge

Signed W. R. Stanley

Muskogee, Indian Territory,

this Mar - 5 - 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

[illegible]

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freed-
men D-727.

Muskogee, Indian Territory, July 16,1902.

Sanford Carbin,

Chelsea, Indian Territory.

Sir:-

In the matter of your application for the enrollment of your wife, Eliza, and her minor children, Lewis and John Foster, and Hattie, Henry and Ruby Carbin, you are required to appear before the Commission at its office in Muskogee, Indian Territory, and give further testimony in regard to the residence of your said wife and minor children in the Cherokee Nation.

You will be allowed until August 5,1902 within which to comply with this requirement.

Very respectfully,

Acting Chairman.

Register.

Cherokee Freedmen
D 238, et al.

Muskogee, Indian Territory, June 8, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Sarah A. Martin, et al., granting the applications for the enrollment of Sarah A., Ocie, John, Aaron Jr., John, Jerome, Susan, Catherine, Frank, Jacob, Lady, Sam, Mose, Caroline, Patsy and Nannie Martin, Bettie, Rosa, Mody and Nelly Robinson, Patsy De Number, Eliza, Hattie, Henry and Ruby Carbin, and Louis and John Foster as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file such protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. 2-18

Cherokee Freedmen
S-727.

Muskogee, Indian Territory, June 30, 1904.

Eliza Carbin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the Commission's decision, dated March 5, 1904, granting among others, the application for the enrollment of yourself and your minor children, Louis[redacted] John Foster, Hattie Carbin, Henry Carbin and [redacted]by Carbin, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Enc. L-40.

Register.

Cher Fr 1374

Cher Fr 1374

Comparison.

Comparative anatomy is the study of the bodies of animals.

Comparative embryology is the study of the development of the embryo in the different classes of animals.

Comparative histology is the study of the minute structure of animal tissues.

Comparative physiology is the study of the functions of animal organs.

Comparison is the act of comparing.

Compartment is a division of a room.

Compass is an instrument for drawing circles.

Compassion is pity for the sufferings of others.

Compassionate is merciful.

Compatible is consistent.

Compatriot is a fellow countryman.

Compel is to force.

Compendium is a brief abstract.

Compensate is to make amends.

Compensation is reward.

Compete is to contend with another.

Competence is sufficiency.

Competent is capable.

Competition is rivalry.

Competitor is a rival.

Compile is to collect.

Complacency is self-satisfaction.

Complain is to express grief.

Complaint is a grievance.

Complaisance is politeness.

Complaisant is civil.

Complement is that which completes.

Complete is finished.

Completion is the act of finishing.

Complex is intricate.

Complexion is the color of the face.

Complexity is intricacy.

Compliance is submission.

Complicate is to involve.

Complication is intricacy.

Complicity is participation in crime.

Compliment is a flattering remark.

Complimentary is flattering.

Comply is to yield.

Component is constituent.

Comport is to behave.

Compose is to form.

Composed is calm.

Composer is a musical author.

Composite is compound.

Composition is the act of composing.

Compositor is a printer.

Compost is a mixture for manuring land.

Composure is calmness.

Compound is to mix.

Comprehend is to understand.

Comprehensible is intelligible.

Comprehension is understanding.

Comprehensive is extensive.

Compress is to squeeze.

Compressible is yielding.

Compression is the act of squeezing.

Comprise is to include.

Compromise is to settle by mutual concession.

Compulsion is force.

Compulsory is obligatory.

Compunction is remorse.

Computation is calculation.

Compute is to calculate.

Comrade is a companion.

Concave is hollow.

Concavity is hollowness.

Conceal is to hide.

Concealment is secrecy.

Concede is to grant.

Conceit is vanity.

Conceited is vain.

Conceivable is imaginable.

Conceive is to imagine.

Concentrate is to collect.

Concentration is the act of concentrating.

Concentric is having a common center.

Concept is idea.

Conception is idea.

Concern is business.

Concerning is relating to.

Concert is harmony.

Concession is the act of granting.

Conciliate is to reconcile.

Conciliation is reconciliation.

Conciliatory is pacific.

Concise is brief.

Conclude is to end.

Conclusion is the end.

Conclusive is decisive.

Concoct is to prepare.

Concoction is the act of concocting.

Concomitant is accompanying.

Concord is agreement.

Concordance is agreement.

Concordant is agreeing.

Concourse is a crowd.

Concrete is solid.

Concretion is a solid mass.

Concubine is a mistress.

Concur is to agree.

Concurrence is agreement.

Concurrent is agreeing.

Concussion is violent shock.

Condemn is to censure.

Condemnation is censure.

Condensation is the act of condensing.

Condense is to compress.

Condescend is to stoop.

Condescension is affability.

Condiment is seasoning.

Condition is state.

Conditional is depending on conditions.

Condole is to sympathize.

Condolence is sympathy.

Condone is to pardon.

Conduce is to contribute.

Conduct is behavior.

Conduction is transmission.

Conductor is a leader.

Conduit is a channel.

Confection is a sweetmeat.

Confectioner is a maker of sweetmeats.

Confectionery is sweetmeats.

Confederacy is a league.

Confederate is a member of a league.

Confederation is a league.

Confer is to bestow.

Conference is a meeting.

Confess is to acknowledge.

Confession is the act of confessing.

Confessor is a priest.

Confidant is a friend.

Confidante is a friend.

Confide is to trust.

Confidence is trust.

Confident is assured.

Confidential is secret.

Confine is to restrict.

Confinement is imprisonment.

Confirm is to establish.

Confirmation is the act of confirming.

Confiscate is to seize.

Confiscation is the act of confiscating.

Conflagration is a great fire.

Conflict is struggle.

Confluence is the meeting of streams.

Conform is to comply.

Conformable is consistent.

Conformation is structure.

Conformity is agreement.

Confound is to mix.

Confront is to face.

Confuse is to perplex.

Confusion is disorder.

Confute is to refute.

Congeal is to freeze.

Congenial is kindred.

Congenital is natural.

Congest is to crowd.

Congestion is the act of congesting.

Conglomerate is to collect.

Conglomeration is a mass.

Congratulate is to felicitate.

Congratulation is felicitation.

Congregate is to assemble.

Congregation is an assembly.

Congress is an assembly.

Congressional is pertaining to a congress.

Congruity is agreement.

Congruous is agreeing.

Conic is pertaining to a cone.

Conjecture is guess.

Conjoin is to unite.

Conjugal is matrimonial.

Conjugate is to inflect.

Conjugation is the act of conjugating.

Conjunction is union.

Conjunctive is connecting.

Conjuncture is crisis.

Conjure is to implore.

Conjurer is a juggler.

Connect is to join.

Connection is union.

Connivance is the act of conniving.

Connive is to wink.

Connoisseur is a critic.

Connotation is implication.

Connote is to imply.

Conquer is to subdue.

Conqueror is a victor.

Conquest is victory.

Consanguinity is relationship by blood.

Conscience is moral sense.

Conscientious is just.

Conscious is aware.

Consciousness is knowledge.

Conscript is a draft.

Consecrate is to dedicate.

Consecration is the act of consecrating.

Consecutive is following.

Consent is to agree.

Consequence is result.

Consequent is following.

Consequential is important.

Conservation is preservation.

Conservatism is adherence to old customs.

Conservative is opposed to change.

Conservatory is a greenhouse.

Conserve is to preserve.

Consider is to think.

Considerable is important.

Considerate is thoughtful.

Consideration is thought.

Consign is to commit.

Consignment is the act of consigning.

Consist is to be composed.

Consistency is agreement.

Consistent is agreeing.

Consolation is comfort.

Console is to comfort.

Consolidate is to unite.

Consolidation is union.

Consonance is agreement.

Consonant is agreeing.

Consort is to associate.

Conspicuous is visible.

Conspiracy is a plot.

Conspirator is a plotter.

Conspire is to plot.

Constable is a police officer.

Constancy is fidelity.

Constant is faithful.

Constellation is a group of stars.

Consternation is amazement.

Constipation is costiveness.

Constituent is component.

Constitute is to form.

Constitution is the act of constituting.

Constitutional is pertaining to the constitution.

Constrain is to force.

Constraint is restraint.

Constrict is to contract.

Construct is to build.

Construction is the act of constructing.

Construe is to interpret.

Consul is a foreign agent.

Consular is pertaining to a consul.

Consulate is the office of a consul.

Consult is to ask advice.

Consultation is the act of consulting.

Consume is to waste.

Consumption is the act of consuming.

Contact is touch.

Contagion is infection.

Contagious is infectious.

Contain is to hold.

Contaminate is to pollute.

Contamination is pollution.

Contemplate is to meditate.

Contemplation is meditation.

Contemporary is of the same age.

Contempt is disdain.

Contemptible is despicable.

Contend is to struggle.

Content is satisfaction.

Contention is strife.

Contentment is satisfaction.

Contest is struggle.

Context is connection.

Contiguous is adjacent.

Continent is a large land mass.

Contingent is dependent.

Continual is constant.

Continuance is duration.

Continuation is the act of continuing.

Continue is to last.

Continuity is connection.

Continuous is connected.

Contort is to twist.

Contortion is distortion.

Contour is outline.

Contraband is smuggled goods.

Contract is to shrink.

Contraction is the act of contracting.

Contradict is to deny.

Contradiction is denial.

Contradictory is opposed.

Contrary is opposed.

Contrast is to compare.

Contravene is to oppose.

Contribute is to give.

Contribution is the act of contributing.

Contrite is penitent.

Contrition is penitence.

Contrivance is invention.

Contrive is to invent.

Control is to restrain.

Controller is a comptroller.

Controversy is dispute.

Controvert is to dispute.

Contumacy is obstinacy.

Contumacious is obstinate.

Contumely is insolence.

Contusion is bruise.

Convalescence is recovery.

Convalescent is recovering.

Convene is to assemble.

Convenience is fitness.

Convenient is fit.

Convent is a nunnery.

Convention is an assembly.

Conventional is customary.

Converge is to tend to a point.

Convergence is the act of converging.

Conversant is familiar.

Conversation is talk.

Converse is to talk.

Conversion is change.

Convert is to change.

Convex is rounded.

Convexity is roundness.

Convey is to carry.

Conveyance is carriage.

Convict is to find guilty.

Conviction is the act of convicting.

Convince is to persuade.

Convivial is festive.

Convocation is an assembly.

Convoke is to call together.

Convolution is a twist.

Convolve is to roll together.

Convoy is to escort.

Convulse is to shake violently.

Convulsion is violent shock.

Cook is to prepare food.

Cookery is the art of cooking.

Cool is to refresh.

Coolness is refreshing coldness.

Coop is a cage.

Cooper is a barrel maker.

Co-operate is to work together.

Co-operation is the act of co-operating.

Co-operative is co-operating.

Co-ordinate is to arrange.

Co-ordination is the act of co-ordinating.

Copartnership is partnership.

Cope is to contend with.

Copious is abundant.

Copper is a metal.

Coppersmith is a worker in copper.

Copy is to imitate.

Copyright is the exclusive right to publish.

Coquet is to flirt.

Coquetry is flirtation.

Coral is a marine substance.

Cord is a rope.

Cordage is ropes.

Cordial is hearty.

Cordiality is heartiness.

Cordon is a line of troops.

Corduroy is a kind of cloth.

Core is the heart.

Cork is a stopper.

Corkscrew is a screw for drawing corks.

Corn is grain.

Cornea is the transparent membrane of the eye.

Corner is an angle.

Cornet is a musical instrument.

Cornice is a projection.

Corollary is a deduction.

Coronation is the act of crowning.

Coroner is a public officer.

Corporal is bodily.

Corporation is a body politic.

Corporeal is bodily.

Corps is a body of troops.

Corpse is a dead body.

Corpulence is fatness.

Corpulent is fat.

Correct is to amend.

Correction is the act of correcting.

Correlative is reciprocal.

Correspond is to agree.

Correspondence is agreement.

Correspondent is agreeing.

Corridor is a passage.

Corroborate is to confirm.

Corroboration is confirmation.

Corrode is to eat away.

Corrosion is the act of corroding.

Corrosive is corroding.

Corrugate is to wrinkle.

Corrupt is to vitiate.

Corruption is the act of corrupting.

Corsair is a pirate.

Corset is stays.

Cortex is bark.

Cosmetic is a beautifier.

Cosmic is pertaining to the universe.

Cosmography is a description of the universe.

Cosmopolitan is a citizen of the world.

Cost is price.

Costly is expensive.

Costume is dress.

Cosy is comfortable.

Cot is a bed.

Cottage is a small house.

Cotton is a plant.

Couch is to lie down.

Cough is a disease.

Council is an assembly.

Counsel is advice.

Count is to number.

Countenance is face.

Counter is opposite.

Counteract is to oppose.

Counterbalance is to balance.

Counterfeit is to imitate.

Counterfeiter is a forger.

Counterpane is a bedcover.

Counterpart is a duplicate.

Countersign is to sign.

Countess is a female earl.

Country is a region.

Countryman is a rustic.

County is a division of a state.

Couple is to join.

Courage is bravery.

Courageous is brave.

Courier is a messenger.

Course is direction.

Court is a palace.

Courteous is polite.

Courtesy is politeness.

Courtier is a flatterer.

Courtship is wooing.

Cousin is a relative.

Covenant is to agree.

Cover is to conceal.

Covering is a cover.

Covert is a shelter.

Covet is to desire.

Covetous is avaricious.

Cow is a female ox.

Coward is a poltroon.

Cowardice is pusillanimity.

Cowardly is pusillanimous.

Cowl is a monk's hood.

Coy is modest.

Coyness is modesty.

Crab is a shellfish.

Crack is to break.

Cradle is a child's bed.

Craft is cunning.

Craftsman is a mechanic.

Crafty is cunning.

Cramp is a spasm.

Cranberry is a fruit.

Crane is a machine.

Crank is a bend.

Cranny is a chink.

Crape is a thin stuff.

Crash is to break.

Crater is a volcanic cavity.

Cravat is a neckcloth.

Crave is to beg.

Craven is a coward.

Craving is longing.

Crawfish is a crustacean.

Crawl is to creep.

Crayfish is a crustacean.

Crayon is a pencil.

Craze is madness.

Crazy is insane.

Creak is to make a harsh noise.

Cream is the best part.

Crease is a fold.

Create is to make.

Creation is the act of creating.

Creator is a maker.

Creature is a being.

Credence is belief.

Credentials is letters of introduction.

Credible is believable.

Credit is belief.

Creditable is reputable.

Creditor is a lender.

Credulity is belief.

Credulous is believing.

Creed is belief.

Creek is a small bay.

Creep is to crawl.

Cremation is the act of burning a dead body.

Crescent is a figure like the moon.

Cress is a plant.

Crest is a tuft.

Crevice is a chink.

Crew is a company.

Crib is a manger.

Cricket is a game.

Crier is a proclaimer.

Crime is a misdeed.

Criminal is guilty.

Criminality is guilt.

Criminate is to accuse.

Crimination is accusation.

Cringe is to fawn.

Cripple is a lame person.

Crisis is a turning point.

Crisp is curled.

Criterion is a standard.

Critic is a censor.

Critical is censorious.

Criticism is censure.

Criticise is to censure.

Croak is to make a hoarse noise.

Crochet is a hook.

Crockery is earthenware.

Crocodile is a reptile.

Crook is a bend.

Crooked is bent.

Crop is to cut off.

Cross is to go over.

Crossbar is a bar.

Crossbow is a bow.

Crossing is a road.

Crotchet is a whim.

Crouch is to stoop.

Crow is a bird.

Crowd is a throng.

Crown is a diadem.

Crucible is a melting pot.

Crucifix is a cross.

Crucify is to put to death on a cross.

Crude is raw.

Cruel is barbarous.

Cruelty is barbarity.

Cruise is to sail about.

Crumb is a morsel.

Crumble is to break into pieces.

Crumple is to wrinkle.

Crunch is to chew.

Crupper is a strap.

Crusade is a war.

Crush is to bruise.

Crust is a hard coat.

Crutch is a support.

Cry is to weep.

Crystal is a clear stone.

Cub is a young animal.

Cube is a solid.

Cubic is solid.

Cuckoo is a bird.

Cucumber is a plant.

Cud is chewed food.

Cuddle is to embrace.

Cudgel is a stick.

Cue is a hint.

Cuff is a blow.

Cuirass is armor.

Cuirassier is a soldier.

Culinary is pertaining to cookery.

Culminate is to reach the highest point.

Culmination is the act of culminating.

Culpable is blameworthy.

Culprit is a criminal.

Cultivate is to till.

Cultivation is tillage.

Cultivator is a farmer.

Cultured is refined.

Cumbrous is heavy.

Cumulative is increasing.

Cunning is craft.

Cup is a drinking vessel.

Cupboard is a closet.

Cupidity is avarice.

Curable is remediable.

Curate is a clergyman.

Curative is healing.

Curator is a keeper.

Curb is to restrain.

Curd is coagulated milk.

Curdle is to coagulate.

Cure is to heal.

Curfew is a bell.

Curiosity is inquisitiveness.

Curious is inquisitive.

Curl is to twist.

Currency is money.

Current is a stream.

Curse is to imprecate.

Cursory is hasty.

Curt is brief.

Curtail is to shorten.

Curtain is a hanging.

Curtsy is a bow.

Curvature is a bend.

Curve is a bend.

Cushion is a pillow.

Custard is a food.

Custody is keeping.

Custom is habit.

Customary is usual.

Customer is a buyer.

Cut is to divide.

Cuticle is skin.

Cutlass is a sword.

Cutler is a maker of knives.

Cutlery is knives.

Cutlet is a piece of meat.

Cuttle is a fish.

Cycle is a period.

Cyclone is a storm.

Cylinder is a solid.

Cylindrical is pertaining to a cylinder.

Cymbal is a musical instrument.

Cynic is a misanthrope.

Cynical is misanthropic.

Cypher is a figure.

Cypress is a tree.

Cyst is a bag.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 27th 1900.

In the matter of the application of Henry Melton for the enrollment of Bessie, Joe and Iola Melton as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Henry Melton
Q What is your age? A. 64.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee.
Q Who do you want to have enrolled at this time? A. Bessie, Joe and Iola Melton.
Q As Cherokee freedmen? A. Yes sir.
Q How old is Bessie? A. 15 years
Q How old is Joe? A. 13 years old.
Q How old is Iola? A. 9 years old.
Q Who is the father of these children? A I am.
Q Who is the mother of these children? A. Matilda Gibson, a state raised woman.
Q Where are these children living now? A On Snow creek.
Q With you? A. With their mother, but I support them
Q Is their mother a citizen? A. No sir she is a state raised woman.
Q Are you living with her? A. No sir.
Q Why dont the mother apply for them? A. I dont want her to enroll them.
Q Are you and their mother separated? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.

1880 authenticated roll examined and the applicant identified as follows:
Page 140 No. 1905 Henry Melton, Cooweescoowee district.

Q Were you ever married to the mother of these children? A. No sir.
Q Never was married to her? A. No sir.
Q Never acknowledged her as your wife? A. No sir.
Q How do you know you are the father of them? A. She said they were my children.
Q Did you ever draw money for these children? A. Yes sir for Bessie.
Q Are you married? A. Yes sir.
Q What is your wifes name? A. Mintie.
Q Is she on the roll of 1880? A. Yes sir.
Q Have you been living with her continuously as your wife since 1880? Up to the present time? A. Yes sir.

By Com'r Needles,-
Henry Melton applies for three children, Bessie, Joe and Iola Melton; he avers that they are the children of Matilda Gibson a non citizen by him; the name of Henry Melton is found on the authenticated roll of 1880 as well as the name of his wife Arminta; he avers that he has lived with the said Arminta as his wife continuously from 1880 up to the present time and that he was never married to the mother of these children for whom he applies, neither did he live with her as his wife or acknowledge her as such, but that during the time he was living with his lawful wife he became the father of the children applied for by the woman Matilda Gibson. The testimony shows that he was married to his lawful wife who has been enrolled with him. Because of the fact that the mother of these children is not on the roll of 1880, and because of the fact that the applicant acknowledges that these children were born out of wedlock and are illegitimate, they will be rejected.

* * * * * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the

proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereto.

Charles Wiel

Subscribed and sworn to before me this the 11th of July, 1961.

Commissioner.

B

JR139




DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901

Post Office Coffeyville Kans.

District 1st Cov

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Henry Mettom - living Citizenship Cher. Freed

Mother Matilda Mettom - living Citizenship Cher. Freed

Names of Children:

3. ~~Bessie~~ Bessie Mettom Year ~~Page~~ No. ~~Dist.~~ 13

4. ~~Ida~~ Ida " Year ~~Page~~ No. ~~Dist.~~ 13

5. ~~Dola~~ Dola " Year ~~Page~~ No. ~~Dist.~~

6. ..... Year Page No. Dist.

7. ..... Year Page No. Dist.

8. ..... Year Page No. Dist.

9. ..... Year Page No. Dist.

10. ..... Year Page No. Dist.

11. ..... Year Page No. Dist.

12. ..... Year Page No. Dist.

Rejected

Application made by Henry Mettom (father) Stenographer [illegible]

FILED
APR 8 1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen R 139.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Henry Melton for the enrollment of his minor children, Bessie, Joe and Iola Melton, as Cherokee freedmen.

It appears that on the 25th day of February, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matter stated in said letter.

APPEARANCES:
Henry Melton in behalf of the applicants;
Cherokee Nation by its attorney, W. W. Hastings.

MATILDA GIBSON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Matilda Gibson.
Q What is your age? A I tell you I don't know my age.
Q About how old? A I had it on paper and lost it; I am about 40 I expect.
Q What is your postoffice address? A Coffeyville.
Q Do you claim right at enrollment as a Cherokee freedman?
A No sir, as adopted.
Q You mean you have been married to a Cherokee freedman?
A Yes sir.
Q Do you know Henry Melton? A Yes sir.
Q Were you ever married to him? A No sir, I never was married to him.
Q Did you live with him? A Yes sir.
Q How long? A About ten or fifteen years, or longer.
Q When did you begin living with him, as well as you remember?
A As well as I remember I can't tell you just when. It has been about 16 years since I first lived along with him.
Q Does he claim to be a Cherokee freedman? A Yes sir.
Q Did you have any children by him during these years you lived with him? A Yes sir.
Q How many? A Three.
Q What are their names? A Bessie, Joe and Iola.
Q About how old are they now? A One is 16, I haven't got their ages correct, can't keep them.
Q How old are they? A Bessie is 16, Joe is 14 I think and Iola she is 12, That is the baby one, I can't keep the ages correct.

Q You are the mother and Henry is the father of all the children?
A Yes sir.
Q Are these three children living now? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q They have lived in the Cherokee Nation ever since their birth?
A yes sir, born and raised in the Cherokee Nation.
Q In what part of the Cherokee Nation were they bron?
A On Snow Creek in Cooweescoowee district.
Q Have they been outside of the Cherokee Nation? A No sir, they didn't know where else to go, never been no where else.

By Mr. Hastings:
Q Were you and Henry living together as husband and wife when the oldest child was born? A Yes sir.
Q Did Henry have another wife at that time?
A I don't know he didn't tell me if he did.
Q Was there any other woman that he held out as his wife?
A I don't know.
Q Did you have any other man? A No sir.
Q Nobody but Henry? A No sir.
Q All three of these children were born in the house where you and Henry were living together as husband and wife, although not lawfully married? A Yes sir.
Q That's the truth is it? A Yes sir.
Q Do they go by the name of Melton? A Yes sir.
Q Always did? A Yes sir.
Q You have quit living with him? A Yes sir.
Q Have you married some one else? A No sir.
Q Has he? A No sir.

HENRY MELTON, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Henry Melton.
Q How old are you? A I must be about 64 years old.
Q What is your postoffice address? A Coffeyville.
Q You claim to be entitled to enrollment as a Cherokee freedman?
A Yes, sir.
Q You applied for yourself and three children, did you? A Yes, sir.
Q What are their names? A Bessie, Joe and Iola.
Q All of them are living now with you in the Cherokee Nation?
A Yes, sir.
Q In what part of the Cherokee Nation were they born? A Right there in Cooweescoowee, on Snow Creek.
Q Have they ever lived outside of the Cherokee Nation? A No, sir.
Q Have they ever been outside of the Cherokee Nation? A No, sir, they have been right there with me and I aint been out.
Q Are they on any of the Cherokee rolls? A Yes, sir, they are on the Clifton roll, and Mr. Lipe, we got the money there, one did.

By Mr. Hastings:
Q Were these children born while you and their mother were living in a house together as husband and wife? A Yes, sir.

Q Born while you and she were living together? A Yes, sir.
Q Do you acknowledge them as your children? A Yes, sir.

o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H M Vance

Subscribed and sworn to before me this the 7th day of April, 1904.

Charles K. Sawyer
Notary Public.

Cherokee Freedmen I-139.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Bessie Melton et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 27, 1900, Henry Melton appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his minor children, Bessie, Joe and Iola Melton, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April [illegible], 1904.

The evidence shows that Bessie, Joe and Iola Melton are the children of one Henry Melton, who is identified on the Cherokee authenticated tribal roll of 1880. It is further shown that the said applicants were born since the enumeration of said roll.

The evidence further shows that Bessie, Joe and Iola Melton have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Bessie Melton, Joe Melton and Iola Melton should be enrolled as Cherokee freedmen, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 23 1904

COMMISSIONERS
TAMS BIXBY,
THOMAS B NEEDLES,
C. R. BRECKINRIDGE,
W. E STANLEY

ALLISON L AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 139

Muskogee, Indian Territory, February 25, 1904.

Henry Melton,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for the enrollment of your minor children, Bessie, Joe and Iola Melton, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who is the real father of these children and as to their residence since birth. It is desired that the testimony of the mother, Matilda Gibson, be introduced.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R 139

Muskogee, Indian Territory, February 28, 1904.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Henry Melton for the enrollment of his minor children, Bessie, Joe and Iola Melton, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who is the real father of these children and as to their residence since birth. It has been especially requested that the testimony of the mother, Matilda Gibson, be introduced.

The said Henry Melton has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as above requested.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

S-139.

Muskogee, Indian Territory, July 21, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, granting the application of Bessie Melton, Joe Melton and Lola Melton for enrollment as Cherokee freedmen.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file such protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. S-86.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R 139

Muskogee, Indian Territory, August 19, 1904.

Henry Melton,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated July 23, 1904, granting your application for the enrollment of your three minor children, Bessie, Joe and Iola Melton, as Cherokee freedmen.

Respectfully,

Tams Bixby.

Commissioner in Charge.

Encl. V-10

Register.

L. IX-139

Jessee Melton et al

We should have the testimony of Matilda Gibson mother of these children as to who is the father of these children and as to their residence

Mac

Cher Fr 1375

See Cher Fr 752

Cher Fr 1375

XD 267

DOUBTFUL, as to applicant.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 8, 1901.

In the matter of the application of Fannie Hight for the enrollment of herself and two grand-children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Fannie Hight.
Q How old are you? A About 50 years old.
Q What is your post-office? A Spavinaw.
Q What district do you live in? A Saline District.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Want to enroll anybody besides yourself? A Yes sir, I have 2 grand-children. (Produces papers)

Com'r: Elma Wallace, born in 1893, be eight years old;

Q What is the name of the next one? A Oliver Wallace.
Q How old is Oliver? A 10 years old.
Q What is the name of the father of Elma Wallace? A John Wallace.
Q Is he living? A Yes sir.
Q Is he a Freedman? A No sir.
Q What is the mother's name? A Mary Wallace.
Q Is she a Freedman? A Yes sir, she was my daughter.
Q Is she living? A No sir, she is dead.
Q Are you married now? A Yes sir.
Q What is your husband's name? A Steven Hight.
Q Is he a citizen? A No sir.
Q What was your father's name? A Irving Vann.
Q Is he living? A No sir.
Q Your mother's name? A Phoebe.
Q Is she living? A No sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe besides Cherokee? A No sir.
Q Never drawed any money from any other tribes besides the Cherokees? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified their name as follows: page 600 #2142 Fannie Vann, Illinois District, adopted c'd'd

Applicant: My daughter was Mary Bean on the roll of 1880.
Q Are you the mother? A Yes sir.
Q Your name was Bean at one time? A Yes sir, my name was Vann; that was her father's name, but this is my first marriage.
Q How old would Mary Bean be if she were alive? A She would be 26.
Q Why isn't Mary Bean on the roll of 1880 with you? A I never went by the name of Bean; I went by my father's name, Fannie Vann.
Q What district was Mary Wallace in when she was on roll of 1880?
A Saline District

1880 authenticated roll of citizens of the Cherokee Nation examined and Mary Bean identified their name as follows: page 620 #172 Mary Bean, Saline District, Adopted colored;

Q Now the mother of Elma Wallace and Oliver Wallace was Mary Bean?
A Yes sir.
Q That was her name before she married John Wallace? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined for applicant and name not found thereon.

Q You drew your Strip money? A Yes sir.
Q By what name? A Fannie Vann.

Kerns-Clifton pay roll of citizens of the Cherokee Nation exa ined and a plicant identified thereon as follows: page 122 #3028 Fannie Vann, Saline District.

Q How did your name happen to be Vann when you drew your Kerns-Clifton money? A I just went by my father's name, Vann.
Q You were not married to Hight? A N sir.
Q You have got no children by Hight? A No sir.
Q Who is Sallie Sutton? A That's my daughter; she is dead.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and Oliver Wallace identified thereon as follows: page 122 #3030 Oliver Wallace, Saline District.

Q You always lived in the Cherokee Nation? A No sir, I haven't always lived there.
Q Have you lived there for the last 20 years? A Yes sir, and longer.
Q Are these children living at this time, Oliver and Elma?
A Yes sir.

Examin d by Cherokee Representative, W.W.Hastings:

Q Your father's name was Irving Vann? A Yes sir.
Q And your mother was named Phoebe? A Yes sir, but my mother died before the war, and she has never been on no roll.
Q Who brought you up? A My sister.
Q What was her name? A Margaret Bean.
Q Is that Tobe Bean's wife? A Used to be; she is dead.
Q And you went to Kansas with her? A Yes sir.
Q And you came back here with her A Yes sir.
Q And after you came back, since the war, you have lived here in Del ware and Saline Districts all the time since the war? A Yes sir
Q Your father ever marry since? A Yes sir, he had a woman.
Q What was her name? A Cyndia Beck.
Q Have any children by her? A Yes sir, a girl.
Q What was her name? A Lizzie.
Q Is Irving alive? A No sir.
Q His wife? A She is dead.
Q And this Lizzie? A And Lizzie is dead.
Applicant' My father lived in Illinois District and I lived in Saline District; I wasn't married in 188-, but I had some children; I lived with my father after the war, I lived with my father, and I left him and lived with my sister in Saline District; my father never put me on the roll; I always done my own putting myself on the roll; I never lived with him.

Examined by Commissioner Needles:

Q But you never lived in Illinois District did you? A I lived there two or three years with my father in Fort Gibson.

Examined by Cherokee Representative, W.W.Hastings:

Q I thought you said you never? A I said I lived with my father awhile, but not all the time; I lived with my sister.

Examined by Commissioner Needles:

Q You recollect what district you were in when you put your name on the roll of 1880? A I was in Saline District.
Q You were taken to Kansas during the war? A Yes sir.
Q When did you come back? A I come back here in '66.
Q Come back with your father? A No sir.
Q Where was he during the war? A He was here in the Nation all th time of the war.
Q He never went away? A No sir.

Q What was your owner's name? A McNairs.
Q Is there nobody here that knows you were back in '66?
A Yes sir, I guess most all of these folks aught to know what knows me here.
Q Who here knows you? A Mandy Johnson, Alice Johnson, Lum McNair, Simon Lynch.
Q Was Lum McNair a slave of your owner? A Yes sir.
Q Anybody here that you came back with? A Yes sir.
Q Who? A Tobe Bean out here, and Joe Bean.

PHILLIS BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name A Phillis Bean.
Q How old are you, Phillis? A I don't know, about 51.
Q What is your post-office? A Vinita.
Q Do you know Fannie Hight? A Yes sir.
Q Do you know where she was during the war? A Yes sir.
Q Where was she? A She was here.
Q Was she never taken out of the Cherokee Nation? A Yes sir, she was in Kansas.
Q When did she return from Kansas? A '66.
Q Did she return with you? A Yes sir.
Q Was Phillis Bean your name in 1880? A No sir, I was a Vann.

1880 authenticated roll of citizens of the Cherokee Nation examined for witness, Phillis Bean, and found.

Q You and Fannie came back together? A Yes sir.
Q You know whether Fannie's name was ever found on the roll of 1880 or not? A No sir, I don't know.

Applicant re-called, and further examined, by W.W.Hastings, Cherokee Nation Representative:

Q You know you had to try your case five years ago, and brought witnesses before the Kerns-Clifton Commission? A Yes sir.
Q You know your name could not be found on the 1880 roll? A It was put on there.
Q You know we couldn't find it? A I don't know whether you could find it or not, you was so hard against me I don't know; I couldn't help my number not being on there.

Witness, Phillis Bean, re-called, and further examined, By Cherokee Representative, W.W.Hastings:

Q Who was your husband? A Lander Bean.
Q Did he come back with you? A Yes sir.
Q Didn't you turn around and ask him if this girl came back with you? A I know she come back with me; she is my cousin; my uncle's daughter.
Q Was you in that fight up there at Horse Creek? A Yes sir.
Q Same crowd of people that come along with them? A Yes sir.
Q Who did she live with after she came on down here? A She lived with her sister, Margaret Bean.
Q Thatwas Tobe Bean's wife? A Yes sir.
Q Same Tobe Bean that has been in here this morning, and who was not in that Horse Creek engagement? A Yes sir.

Applicant re-called, and further examined, By Cherokee Representative, W.W.Hastings:

Q You didn't go to Fort Gibson in the year '66? Did you? A I come right from there and went right to Fort Gibson.
Q By yourself? A No sir, I went with George Johnson down there; he taken me down to my father's.

JOE BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe Bean.
Q What is your age? A 54.
Q What district do you live in? A Saline.
Q What is your post-office? A Spavinaw.
Q Are you a citizen, a Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Nosir.
Q Do you know Fannie Hight here? A Yes sir.
Q Do you know when she came back from Kansas after the war?
A Yes sir.
Q When did she come? A She come back in that crowd, Horse Creek crowd.
Q You were with them? A Yes sir.
Q She came with you? A Yes sir.
Q You know whether her name is on the roll of 1880 or not?
A Nosir, I don't; her father was named Irving Bean. I think you will find his name on there.
Q She didn't come back with her father? A No sir.

GEORGE VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A George Vann.
Q What is your age? A 51.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q You know Fannie Hight? A Fannie Vann she used to be, my uncle's daughter.
Q You know her? A Yessir.
Q You know whether her name is on the roll of 1880 or not? A No sir, I aint certain.
Q Was she taken out of the Territory, the Cherokee Nation, during the war? A I forget now whether she was; I thought she was always with Uncle Irv., I don't know.
Q You know where she was in '66? A Yes sir, she was with Uncle Irv.
Q That is the reason you thought she staid with him all the time, she was with her father? A Yes sir.
Q You don't know whether she was taken out or not? A No sir.
Q But you know she was back in '66 with her father? A Yes sir.

Examined by Cherokee Representative, W. Whastings:

Q What was her mother's name? AI don't remember.
Q You have known this girl ever since she was born, ever since she was little? A I have knowed her ever since she was little.
Q You knew her before the war? A No sir, I didn't.
Q You never saw her during the war? A No sir.
Q You never did see her until you saw her with Uncle Irving? AYes sir, that's the first and last time I ever saw her.
Q That was in '66? A Yes sir.
Q You are certain it was that time? A Yes sir.
Q You know her because she was there at that time? A Yes sir.
Q She is some kin to you? A Yes sir.
Q You testified awhile ago that you came back with Tobe Bean?
A Yes sir. I did, but not with his family; he come along with us himself.
Q You came back during that Horse Creek engagement didn't you? A Yes sir.
Q You was along with that crowd? A Yes sir, I was the captain of that crowd.
Q This girl wasn't along then? A No sir.

Commissioner Needles: Fannie Hight applies for the enrollment of herself and 2 grand-children, Elma and Oliver

Fannie Hight et al 5

Wallace; she is not fully identified upon the authenticated roll of 1880, she avers that her maiden name was Vann, and that she is the child of Irving and Phoebe Vann, and the name of Irving Vann is found upon the authenticated roll of 1880, he now being deceased; the name of Fannie Vann is found upon the authenticated roll of 1880 according to page and number of the rolls as indicated in the testimony, but not fully identified as the identical Fannie Vann who now applies under the name of Fannie Hight, she having married one Steven Hight; she avers that she has two grand-children, Elma and Oliver Wallace, and that the mother of said children is Mary Bean, her daughter, and the name of Mary Bean is found upon the authenticated roll of 1880, and the name of one child, Oliver Wallace, child of Mary Bean by the husband of Mary Bean, to-wit: John Wallace, is found upon the Kerns-Clifton pay roll, and she makes satisfactory proof of birth as to Elma; the name of the father of the applicant, to-wit: Irving Vann, and the name of her child, Mary Bean, mother of the 2 grand-children for whom she applies, are found upon the authenticated roll of 1880; they are all duly identified and make satisfactory proof of residence, consequently, Elma and Oliver Wallace will be duly listed for enrollment as Cherokee Freedmen; but by reason of the uncertainty as to the identification of the applicant, Fannie Hight, with the name of Fannie Vann as it appears upon the roll of 1880, her name will be placed upon a doubtful card for further consideration of the Commission.

---***---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this May 13, 901.

Commissioner.

P. 39207

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JAN 8 1901

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date ... Nov 6 1901

Post Office ... Sparrowville I.T.

District ... Saline

1. Name ... Age ...

Owner's name ... Citizenship ...

Year ... Page ... No. ... District ...

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

2. Name of wife Fannie Haight Age 22

Owner's name ... Citizenship ...

Year K. C. Page 122 No. 3028 District Saline

Parents:

Father ... Citizenship ...

Mother ... Citizenship ...

Names of Children:

3. Year ... Page ... No. ... Dist. ...
4. Year ... Page ... No. ... Dist. ...
5. Year ... Page ... No. ... Dist. ...
6. Year ... Page ... No. ... Dist. ...
7. Year ... Page ... No. ... Dist. ...
8. Year ... Page ... No. ... Dist. ...
9. Year ... Page ... No. ... Dist. ...
10. Year ... Page ... No. ... Dist. ...
11. Year ... Page ... No. ... Dist. ...
12. Year ... Page ... No. ... Dist. ...

Application made by Mo I Stenographer W. D. Dean

I On K and C roll as Fannie Dann

X Reg.

F. O. 209

...ON TO THE FIVE ... ...

FILED

JUN 12 190...

NOTICE!

In the matter of the application of Fannie Hight for enrollment as a Cherokee Freedman.

Case No. D 207

To Fannie Hight Spavinaw I T

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Chelsea Indian Territory, on the following dates, to-wit: June 12th A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this JUN 4 1901 day of 1901.

T. M. Buffington
W. W. Hastings
J. S. Mansfield

Attorneys for the Cherokee Nation.

United States of America, Indian Territory, Northern District. } ss

I do solemnly swear that I delivered a true copy of the within notice to Fannie Hight on the 6th day of June A. D. 1901.

John Parks

Subscribed and sworn to before me this JUN 8 1901 day of 1901.

J. C. Clark Notary Public.

[illegible]

[illegible]

[illegible]

File with Cherokee Freedmen, D- 207. Fannie Knight.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 18, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.

Q What is your age? A About 33.

Q Where were you born? A Here in the Cherokee Nation.

Q Cherokee by blood? A Yes, sir.

Q Did you go out of the Nation during the war? A No, sir.

Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.

Q A brick house there? A Yes, sir.

Q Mr. Cochran, was your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '66, he was killed the 22nd of October.

Q Where was he killed? A On the military road at what was known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about three miles.

Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.

Q Do you know Bob ~~Hamilton~~ Knight, who is a witness here in this case

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteom.

Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.

Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after this? A It was along in about, I would say about the 10th or 15th of December.

Q Of that year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I don't.

Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.

Q On what creek? A It was Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nation?
Mr. Mallette: I object to the question as not material in this case. It is yours honorpy.
Mr. Hastings: It is a circumstance that unquestionably ought to be admitted.
Commissioner: I don't think that is a material question.
Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Hall was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Pete Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Pete Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Pete Bean over there in that year? A I don't remember whether I did or not.
Mr. Mallette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 30 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Many that place on Grand River now? A I believe they call it the Fetchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty small north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, until it couldn't have been over 15 miles.
Q Were you well acquainted up in that country? A I was,yes,sir.

Q Is there that house stood? A Yes, sir.
Q Those place was that? A It was known as the Knight place, it was burned down.
Q How long has you been up in this country? A Well, I can't tell you just how often I have.
Q [illegible] A [illegible]
Q Do you remember every time? A Yes, sir, I do.
Q You did remember any other place that you passed by in '66 that existed at that time? A Yes, sir, there wasn't but one old place between here, known as the Sam Lankford place, that was the only place there was there.
Q You have passed by those places in question? A Yes, sir.
Q Come right through that country? A Yes, sir, came in the military road.
Q Who did you say was with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on; is that all you did?
A Yes, that was about all we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fenced, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A No, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.
Q You remember now it was the 10th or 15th of Decembe ? A Yes, sir.
Q How do you come happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, a ! I went with them, to Mumbo, to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November,
Q When did you have your attention called to this time before this; never thought of this till since this freedmen court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was interested in that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever came to [illegible] I have been made through.

Q you testified in the same suits before the Clifton court you testify to now? A Yes, sir, as best of I can remember.
Q Think of any other thing that you can think you gave the same testimony that you do now? A No.
Q Do you remember [illegible] getting shot, this colored man, a convict by the [illegible]? A Yes, sir, I knew just about what time, I [illegible].
Q What year was it? A It was in '98.
Q You are certain of that? A Yes, sir, I let him have the whisk-er to get drunk on.
Q Well now you know it was in 1898 that Dave Rowe shot Al Lynch do you, Dave Whitmire shot Al Lynch? A Yes, sir.
Q You went and established some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.
Q Didn't you go down to Dave Rowe's and tell them Dave Whitmire had shot Al Lynch? A No, sir.
Q You didn't? A No, sir.
Q You are certain of that? A Yes, I had nothing to do with it.
Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.
Q You will swear that? A Oh yes, I never carried any such news.
Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.
Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.
Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?
Q How close is it to you? A It is 20 or 25 miles.
Q Do you remember being down there in '98? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.
Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A I, I have held the Solicitor and Sheriff, I was one of the Associate Supreme court judges.

Q Delegate to Washington? A Yes, sir.

****

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.
Q What is your age? A 54.
Q Where do you live? A Now, I live in Vinita.
Q How long have you lived there, a number of years? A 25 years.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q Did you live in the Cherokee Nation before the war? A Yes, sir.
Q You lived in the Cherokee Nation after the war? A Yes, sir.
Q Where was the first place that you lived in the Cherokee Nation after the war? A On Maples Creek.
Q What district is that in? A Delaware district.
Q Was there any road that run by your place at that time? A The old military road, we used to call it.
Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it might have been in the latter part of November following my return in the fall.
Q Where were you taken? A Van Buren.
Q What were you charged with? A Killing some negroes that was running down the road there.
Q Did, had some negroes passed your place prior to that time?
A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was wounded.

Q Did you see the shooting? A Yes, sir, the most of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between me about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of [illegible] miles; a little more or a little less, I don't know just what we do call it.

Q The military road was right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tobe Reed, the applicant?

A Yes, sir; I think that is the remark, I don't know, I only had a word or two at the time, I never knew since the trouble that he was one of them until that time, I knew His name, but I didn't know him, I could have picked him out.

Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The man I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

****

J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Toby Keen? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Collette: Now Mr. Trott, do you remember that you came back here IN the spring of '68? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '68? A It was in the spring.
Q In the spring of '68; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come: come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '68? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '68.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Know they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
A I can't know anything about it.
Q You say the troops did right, did you? A I did.
Q How many? A Looked to me like about 20 or 25.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedmen Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don'tknow, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1883.
Q '83? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I dunno know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

G. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.

Q What is your age? A My coming birthday, I will be 59.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q. Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

****

T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 68.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boze place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek?

A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 18.

Q When did you move to that place after the war, in what year?

A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q How after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?

A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Bozer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Bozer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?

A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the confederate army. He came home during the summer, I think in June, and took his family and started to Old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think, if I am not mistaken.

Q And still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Bozer place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You remember 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you remember every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Bozer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q [redacted] A Yes, sir.
[redacted], sir.
[redacted] one time and senator two times.

[redacted]

MR. HASTINGS: I [redacted] to offer this testimony in the Arthur Bean case, D-[redacted]; [redacted] Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-[redacted]; and Minnie Wight, D-207.

[redacted]

Ernie C. Jones, being duly sworn, says that as stenographer to the Commission [redacted] he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Ernie C. Jones

Sworn to and subscribed before me this the 13th of August, 1931.

[redacted]

Commissioner.

File with Cherokee Freedman D-207, Fannie Wight.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.
Q How old are you, Mrs. Brown? A I don't know my age exactly.
Q Give an idea? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.
Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some menm came to my house to stay all night.
Q Who were they? A Kinch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where was that? A Somewhere on the Military road near Horse

Creek.
Q How far was that from your house? A About six miles.
Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.
Q How do you know it was in the fall of the year? A Because it was getting cold weather.
Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.
Mr. Hastings: Did you ever have any other children born? A Yes, sir.
Q When? A Different times.
Q Well, when was the next one born? A Next one, well I am not able to answer that.
Q Well, when was the next one born? A In 1870.
Q That was the second one after this one? A Yes, sir.
Q When was the third one born? A I can't tell you that.
Q Did you have any more since then? A Yes, sir.
Q How many children you got? A 13 in all.
Q Now do you know what happens in September always after your children have been born? A No, sir.
Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.
Q When were you married? A I can't tell you that.
Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.
Q Never heard of it? A No, sir.
Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.
Q You didn't know anything about the date? A I didn't know it was about the date.
Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.
Q Where do you live now? A I live at the Bowling Berry place.
Q What is your husband's name? A Jim Brown.
Q What was your maiden name? A Mary Miller.
Q When were you married? A I told you I didn't know the date, I don't know the date.
Q And you have got thirteen children? A I have had thirteen children.
Q Now when was your second child born? A The second one was born in '63.
Q When was the third one born? A The third one was born May 26.
Q Of what year? A In 1866.
Q When was the next one born? A I don't know that.
Q Now when was the fifty one born? A He was born in 1870.
Q When was the sixth one born? A I don't know that.
Q When was the seventh one born? A I don't know that.
Q When was the eighth one born? A I don't know that.
Q When was the ninth one? A Well, I don't know that.
Q When was the tenth one? A I told you I didn't know.
Q Eleventh one? A I don't know that.
Q Twelth one? A I don't know, I can't count them all of them.
Q Don't know? A No, sir, I am no scholar.
Q Where was Bob Knight living at that time? A I can't tell you just exactly.
Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.
Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.
Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it ever at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, those I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

C. R. Breece

Commissioner.

File with Cherokee Freedmen D-607, Fannie Night.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:
Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

N. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A N. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw Bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned?

A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.

Q Well, was the George Vann that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George?

A Yes, Spring Creek George was there.

Q Was he one of the men who helped bury those colored men?

A Yes, sir.
Mr. Hastings: You are not positive, are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '96.
Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '96.
Q What time of the year do you think it was? A Along in September.
Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.
Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.
Q How old were you then? A I guess I must have been 16 or 17 years old.
Q Just a lad of a boy? A Yes, sir.
Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.
Q There was no date to mark your return by? A No.
Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.
Q You were not up there when the fight occurred? A No, sir.
Q You ever testify to these circumstances before? A No, sir.
Q You were never called upon to remember the date before? A No, sir.
Q You were not arrested for it? A No, sir.
Q Have any interest in it? A I wasn't interested any way at all.
Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Chelsea, I. T., June 12, 1901.

In the matter of the application of Thomas Mayfield, for the enrollment of himself and others as Cherokee Freedmen.

Supplemental testimony.
Cherokee Freedman D-200.

Appearances:
Mellette & Smith and I. P. Bledsoe, for applicants;
W. W. Hastings, for Cherokee Nation.

The attorneys for the Cherokee Nation make proof of the proper service of notice of the introduction of testimony in the above case on this date.

Walter A. West, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Walter A. West.
Q What is your age? A 60 years.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q By blood? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A 60 years.
Q Were you out of the Nation during the war? A Yes, sir, I was out during the war three or four years.
Q When did you come back to the Cherokee Nation after the war?
A I came back in the spring of '66.
Q Where did you live in the spring of '66? A I lived up on Neosho River after I went up above.
Q How long did you live there? A I lived on Neosho, this side of Neosho River, about two or three months, and then I moved down below.
Q Do you know Thomas Mayfield, the applicant here present? A Yes, sir.
Q Did you know him before the war? A No, sir.
Q How long have you known him? A I got acquainted with him, I saw him in '69 the first time I saw him.
Q Well, where was he? A Well he was on the military road right below where I was living.
Q From what points does that road run? A Runs from Fort Gibson, at that time.
Q Whereabouts does it run north? A Fort Scott, Kansas, and Kansas City and Baxter Springs.
Q Well, state the circumstances of seeing him on the military road?
A I lived there on the military road and he came past my house and camped there nearby, that is when I got acquainted with him, when I saw him.
Q Did he have his family? A He had a family with him I supposed to be his family.
Q Any others along with him? A Yes, sir, Jack Davis, Sandy Bean, and Jack Bean.
Q Had you ever seen him before? A Who you mean, Mayfield?
Q Mayfield? A No, sir.
Q Where had you been living the two years immediately before that, 1867 and '68? A Right on the military road there.
Q How far did Mr. Mayfield live from you after you saw him in '69?
A About five miles.
Q Did he stay there? A Yes, sir, rented a place across the river and lived on the place he rented.
Q Did you know where he was from when you first saw him? A I just supposed he was from up there in Kansas.
Q Tell all the circumstances, what you know about seeing him? A He came down the road from Kansas, that direction, and he camped there, there is where I got acquainted with him.
Q Was he married? A Yes, sir.

Have his folks with him? A Has his family, this woman that lived as Mayfield's wife.
Q That is the first time you saw him in the Cherokee Nation?
A Yes, sir, the first time I saw him.
Q Is there anything that makes you positive about fixing the date in 1869? A No more than this; I had been trading with some government wagons, that is the men that was driving the wagons, selling some hay, the day he come there, and I got my pay for that in two or three days afterwards, on the 20th I believe, February, 1866.
Q You mean 1866? A 1869.
Q Did you preserve any letter or document which shows the date when you receive the pay for the hay? A Yes, sir, I have a paper that shows the date exactly, but I didn't preserve it at that time, I filed it away with all the papers I have, and I didn't think of it in this other case heretofore.
Q And you have that with you? A Yes, sir.
Q And what date does it show? A It shows I received my money on the 20th, that is my check.
Q On what month? A February, 1869.
Q You were pretty well acquainted in the neighborhood in '69?
A Yes, sir.
Q Had you been for the two years previous? A Yes, sir.
Q Did you know any of the colored people who were in the crowd with Thomas Mayfield? A I did Jack Bean, I knew him.
Q Had you known him before the war? A Yes, sir, I knew him before the war.
Q Did you have any talk with him at that time? A Yes, sir, his wife was a servant of my wife's father, and they learned that we were there on the road and they came there and visited us, is how come me to know what I do know of these circumstances.
Mr. Smith: Mr. West, you hadn't been acquainted with Thomas Mayfield before the war? A No, sir.
Q The time that you speak of is the first time you ever saw him?
A Yes, sir, the first time I saw him.
Q You don't know how long he had been in the Cherokee Nation when you saw him? A No, sir.
Q You don't know whether he had his family with him at that time or not? A No, sir, he had a family but I don't know whether they were his or not.
Q When did you say you came back to the Cherokee Nation after the war? A I left Red River February 1st, 1866.
Q Where did you go to? A I went on up to Fort Scott, right direct through the country, to where my mother lived on this side of Fort Scott, Drywood.
Q How long did you stay there? A Till about the first or middle of May.
Q In what year? A 1866.
Q Then where did you go? A I came down to Neosho, in the Cherokee Nation, and there set up my tent and went to trading and trafficing with the travelers along that road.
Q How long did you continue in that business? A I continued off and on the season through.
Q How long was the season? A From the time I went there till fall/
Q From May until the fall? A Yes, sir.
Q Then where did you go from there? A I went lower down on the military road where I was stationed, where I first saw Thomas Mayfield, and I built a house.
Q You built your house then in the fall of 1866? A Part of it, not all of it.
Q When did you build the rest of it? A In 1867.
Q How long after the time you saw Thomas Mayfield was it before you were called upon to remember anything about having seen Thomas Mayfield on that occasion; how many years? A It was during this Kern-Clifton examination.
Q Now you saw him, Thomas Mayfield, you say, in 1869? A Yes, sir.
Q When was the Kern-Clifton Commission? A I am not positive, '65 or '66; not '65, '96 when it was I believe.
Q In 1896, was it? A It seems to me, I am not positive.
Q Then that was about 28 years wasn't it, from the time you had seen Thomas Mayfield? A Yes, from the time I first saw him, but I

saw him off and on all the time after I got acquainted with him.
Q You have stated you had no occasion to remember the fact that you saw him upon this particular date in '69 until the meeting of the Kern-Clifton Court? A Yes, that drew my attention to it.
Q That was about 28 years afterwards? A Somewheres along there I guess.
Mr. West, did you remember for 28 years without ever having had any occasion to have your attention called to it, that you saw him upon a certain day that you got a letter or pay for the hay, or whatever it was? Now as far as that is concerned, it is like this, we all remember when the people was coming in, and it was common talking when they come in.
Q Just answer that question? A That is the one particular time.
Q So 28 years afterwards you were able to remember that you had seen Thomas Mayfield about the time you got a letter or receipt for some hay or something that you had sold, is that right? A Yes, sir, somewheres along there.
Q Well now Mr. West, what connection was there between Thomas Mayfield and the hay, that you can go back 28 years and remember and fix that date that you saw Thomas Mayfield by the letter which you are now talking about? A I had the transaction as I told you with these government teams, selling them hay, and the very day that he came there, the same day, that is the reason why I know it was the same time.
Q Did you have but one transaction with the Government men? A I had them often, but not as much as that was.
Q How many times have you had transactions with the Government teams about hay? A Two or three different times.
Q Or three or four or half a dozen? A No, not that many.
Q No more then three or four? A Not over three or four.
Q How can you go back 28 years and tell which one of these transactions it was you had had, and connect that particular transaction or any one with Thomas Mayfield 28 years after? A Simply I got a paper to that effect on that date.
Q Did that paper say anything about Thomas Mayfield? A No, sir, that transaction never, but because of my knowledge.
Q You say it didn't say anything about Thomas Mayfield? A No, sir,
Q You can go back 28 years and connect Thomas Mayfield with that particular transaction, how do you do that? A Simply I had that transaction at that time.
Q Were not there other transactions? A Yes, sir, but not so great as that was.
Q It couln't have been some other transaction you had with the Government when you saw Thomas Mayfield? A It might have been some other, but it wasn't, that is all there is about that part of it.
Q Are you able to remember it was this particular transaction?
A Yes, sir.
Q Have you got that letter? A Yes, sir, it is just a receipt (hands Mr. Smith paper.)
Q (Returning paper) Mr. West, all that you claim about the paper about which you have spoken is that it carries the date by which you fix the time? A Yes, sir, it carries it, nearabout it.
Q Did you have that paper; were you a witness before the Kern-Clifton Commission? A Yes, sir, I was.
Q Did you have that paper then? A Yes, sir.
Q When did you hunt that paper up? A I hunted it up during that Court time.
Q Were you subpoenaed as a witness during that Court? A Yes, sir.
Q When did you hunt the paper up, before or after you were subpoenaed? A I hunted it up after I was subpoenaed, I didn't have occasion to hunt it up before.
Q You testified, I believe you stated, before the Kern-Clifton Commission? A Yes, sir.
Q Mr. West, you don't know where this man was in '66 do you? A Not till that date, not before that date.
Q I say you don't know then where he was in '66 or at any time prior to '66? A Only that day of '66 when he passed my house.
Q He passed your house in '66 did he? A In '69 I meant, that is

the first time; in '66 I don't know where he was, or any time before '69.

J. L. Thompson, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. L. Thompson.
Q What is your age? A 62.
Q What is your post office? A Vinita.
Q Do you know the applicant, Thomas Mayfield, the colored man there? A Yes, sir.
Q How long have you known him? A Well, I have to kinder study and tell you.
Q Did you know him before the war? A No, sir.
Q You have only known him since the war? A Yes, sir.
Q Where did you go during the war? A Went to Texas.
Q When did you return to the Cherokee Nation after the war? A I came to Fort Gibson in December, 1867, and Cabin Creek January, 1868.
Q Well, where did you first locate up in this country, up near Vinita? A Right where I live now, but I didn't own the place then, I only rented it that season.
Q You have lived there ever since 1868? A No, sir, I moved away from there and moved back again.
Q You have lived in the same neighborhood ever since? A Yes, most always.
Q How far does Mr. Mayfield live from you, the applicant? A Where he lives now, just about five or six miles I reckon.
Q When did you first see Mr. Mayfield after the war? A Well, it must have been, to the best of my recollection, about 69 I reckon it was, I am pretty positive it was, to the best of my recollection.
Q Was he up there in that neighborhood when he first returned? A No, sir, never heard of him.
Q Was there an investigation by the Supreme Court about five years after the war with reference to the return of colored people in the Cherokee Nation? A I don't remember.

Mr. Smith: I object to that as not being apparently the best evidence of the fact.

Q How far has Mayfield lived from you since you saw him in '69? A He lives about as far now as he ever did.
Q Lives in the same neighborhood then? A Yes, sir, he lived right in the same neighborhood there, probably five or six miles from where he first settled.
Q You didn't know Mayfield before the war? A No, sir.

Mr. Smith: What time did you say it was, Mr. Thompson, when you back back to the Cherokee Nation after the war? A I said I came to Fort Gibson in December, 1867, I came to Cabin Creek in January, 1868.

Q In January, 1868? A Yes, sir.
Q You didn't know Thomas Mayfield before the war? A No, sir.
Q You don't know where he was in '66? A No, sir.
Q You don't know whether he was in that neighborhood that you went to when you went up there or not? A If he was there I never heard of him, he might have been, so far as I know, but if he was I know I never heard of him.
Q He might have been there though? A He might have been, but I knew most of the darkies in the neighborhood.
Q You can't state he waan't in that neighborhood when you went there A No, sir.

Mr. Hastings: You never saw him? A I never saw him.

Q You were well acquainted throughout the neighborhood? A Yes, sir, I lived there before the war.
Q You were acquainted with it before the war? A Yes, sir.
Q Was it thickly settled or thinly settled? A It was sparcely settled.
Q You knew people from a distance? A Yes, sir.

Mr. Smith: You didn't go around as quick as you got here and found out who was in that country? A No, sir, it wasn't my business

Q And a man might have been there a year or two before you saw him? A I don't believe he would have been in the neighborhood, I don't believe that long.
Q You don't know so, but you don't know he couldn't have been? A Of course it wasn't my business to run around and hunt them up.
Q But you can't say whether Mayfield was there when you came there or not? A I can't positively say he wasn't there, but if he was I didn't see him.

R. L. Martin, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A R. L. Martin.
Q What is your age? A 51.
Q What is your post office? A Pensacola.
Q What was your fathers name? A Joseph L. Martin.
Q Do you know the applicant there, Thomas Mayfield? A Yes, I think I do.
Q Did you go out of the Nation during the war? A Yes, sir.
Q When did you come back to the Cherokee Nation after the war? A November, '66.
Q Where did you go to? A Went to Texas.
Q Come back with your father? A Yes, sir.
Q where did you first locate after the war? A We located at our old place, called Greenbrier, on Grand River.
Q Did you know Tom Mayfield before the war? A No.
Q Did you know him after the war? A Yes, I knew him after the war.
Q Do you know when Tom returned to the Cherokee Nation? A No.
Q When was the first time you ever saw him after the war? A The first time I ever saw him to know him was about '69.
Q How far did he locate from you? A About two miles and a half; well I wasn't living there in '69, that is there I live now.
Q How far were you from him when he located there in '69? A I don't know really, I was at my old place I guess down about ten miles
Q How far were you from where he located in '66; were you at your old place then? A Yes, in November, '66, about ten miles.
Q You were at the same place in Nocember, '66 and in November '69 also? A Yes, I made that my home although I didn't stay there all the time, I was about from one place to another.
Mr. Smith: You were unmarried at that time? A Yes, sir.
Q A young man living with your father, and made that your headquarters? A Yes, sir.
Q Where did you spend most of the time? A I was here and there and in Texas and back and forward and on the road a good deal.
Q There part of the time and Texas part of the time and here and there? A Yes, sir.
Q Then that place that you speak of was about ten miles from where Mayfield went to live, was it? A Yes, that is where my father lived.
Q At that time you didn't have a home, stayed with your father? A I didn't have any certain place only at father's.
Q About what age were you then? A About 18 or 19.
Q When was it you first saw Thomas Mayfield? A The first time I remember seeing him I think was about '69, he was running a ferry.
Q And you are not right certain about its being '69? A Well yes I am pretty certain it was '69 the first time I saw him to know him; if I saw him before I didn't know him.
Q Might that not have been in '68? A Well I don't know as it was, I think it was '69.
Q But you are not positive about it? A No, I will not be positive, it has been so long ago.
Q Well, you didn't go back to your father's place at all until in November, 1866? A That is as early as I came there.
Q How long did you then stay at your father's place after you came back before you went away anywhere? A We were there all winter.
Q Then did you go back to Texas? A No, the next summer I was there and Pryor Creek, and most of the spring and summer.

Q But your father's place was ten miles at least from where Mayfield lived when you became acquainted with him? A Yes, sir.
Q How long was it then before you had a place of your own, and went to living there regularly? A In '72 I moved there in about two miles and a half of him.
Q You have been living in about two and a half miles of him ever since '72? A Yes, sir; that is, until he moved away, he moved away from the place he was living on then seven or eight years ago.
Q You saw him from time to time until the time you became acquainted with him when you would be in the Cherokee Nation? A Yes, sir, after I got acquainted with him I saw him often.
Q You of course don't pretend to say he hadn't been living up at a place ten miles away from your place when you became acquainted with him? A No, I don't know how long he was living there at all, only when I first saw him.

Lucien B. Bell, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Lucien B. Bell.
Q What is your age? A 63, about.
Q What is your post office? A Vinita.
Q Do you know the applicant Thomas Mayfield? A Yes, sir.
Q He is present here is he? A Yes, that is him right behind Smith.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q You go out of the Cherokee Nation during the war? A Yes, sir.
Q What time did you return to the Cherokee Nation after the war? A Well, I came back in the neighborhood of where I settled, right in a mile of where I located, in the latter part of 1867; I came into the Cherokee Nation along in May, 1867, stopped ten miles below there, or twelve, and made a little crop; I located right on Cabin Creek near the military road where it crosses it, on the south side.
Q How far was this from where Mayfield afterwards located, the applicant, Mayfield? A Well, I guess it was three, two or three miles, something like that, three and a half.
Q How long did you live at that place? A Well, if you count me living there now, I have been living there thirty odd years.
Q You own the place now? A I have sold some part of the claim off, but I have got my farm on the same claim.
Q You are familiar with that country? A Yes, I am pretty well acquainted with it, more so then than latterly; latterly I have been away from there a good deal.
Q You lived on that farm then at that time? A Yes, sir, I lived right on the same spot from 1867 to 1881, and then I moved about three quarters of a mile to another part of it.
Q When was the first time you ever saw Thomas Mayfield? A Well, I saw Tom Mayfield about two years after I returned, was the first time I saw him, about 1869.
Q Were you familiar with the place where he located, this section of the country and all? A Yes, I saw him on the other side of the Grand River sorter opposite the mouth of Cabin Creek; he lived there; I don't know whether he was living on his own place or not, probably it was the Bill Hicks place where I saw him first; that is all in the same neighborhood.

Mr. Smith: He was living there when you did see him? A Oh yes he was living there; he wasn't dead.
Q He hadn't just come there, had he? A I can't say as to that, I know about when he first came, about when I first saw him; I know when the people around there said he came in.
Q I am asking you about your own personal knowledge? A I told you that is the first place I saw him, I don't recollect whether he said to me he had just come or whether he had been there, I don't recollect that we talked about that; I had known him some years before that.
Q You have already answered my question? A Well, that is enough.

Q Are you the chief counsel of the Cherokee Nation in these proceedings in the matter of the enrollment of the Freedmen before this Commission? A Yes, sir.

Mr. Hastings: Is there anything else you desire to state with reference to Mayfield's return? A No, I don't know that I know of anything further than what I have stated about him, of my personal knowledge.

Mr. Hastings: We desire to have that testimony thrown in the cases of
Charles Mayfield, et al, Freedman D-202, and
Malinda Martin et al., Freedman D-206.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed Bruce C. Jones

Sworn to and subscribed before me this the 22nd of June, 1901.

Signed T. B. Needles,
Commissioner.

---oooOOOooo---

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

D. C. Skaggs.

Subscribed and sworn to before me this 7th day of June, 1901.

Charles W. Sawyer
Notary Public.

JD207

To be filed with C. F. D-36.

R

C.F.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear nothing more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you saw there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.
BY COMMISSION: Answer the question.
A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.
Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-
Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.
Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.
Q What year was that? A That was in the fall of '66 as near as I can remember.
Q And you don't know the time? A Yes, sir.
Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.
Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.
Q Did you know Tobe? A Tobe, I mean, I know them well.
Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.
BY MR. HASTINGS:
Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.
BY MR. MELLETTE:
Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.
Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.
BY MR. HASTINGS:
Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.
Q You were around with us a good deal of that time? A Yes, sir.
Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.
Q Also a great many witnesses were introduced on both sides? A Yes, sir.
Q There was a great deal of discussion about it? A Yes, sir.
Q Did you ever go on the stand and testify at that time? A No, sir.
Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.
Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I, M. D. Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) M. D. GREEN.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur H. Comings

Subscribed and sworn to before me this 12th day of April, 1902.

Emily A. Kirtu

Notary Public.

F. D. 200.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., May 15, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the applicant, Mellette & Smith, Vinita, Indian Territory, that it would, at the offices of the Commission at Muskogee, Indian Territory, on the 15th day of May, 1902, introduce testimony tending to disprove the right of the said Thomas Mayfield to be enrolled as a Cherokee Freedman. The applicant and his attorneys have this day, to wit the 15th day of May, 1902, been called, and fail to respond either in person or by attorney.

GEORGE A. CAMPBELL, being first duly sworn, testified as follows:

MR. HASTINS: What is your name? A George A. Campbell.
Q What is your age? A 55 years old.
Q What is your postoffice? A Garnett, Kansas, Anderson County.
Q How long have you been a resident of Garnett, Kansas? A I have been there, sir, 47 some odd years, came there in '56.
Q Did you live there for the first few years immediately after the war? A Yes, sir, right after the war I was there always.
Q Did you live there in '66 and '7 and '8? A Yes, sir.
Q Did you know a colored man by the name of Thomas Mayfield? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was his wife's name? A Her name was Nicie, she used to wash for my mother.
Q When did you first learn to know them? A Well just right away after the war; I don't know whether it was '65 or '7, '67, well '66 or '67 and '8 they lived on our place, I think they had a lease for three years and I believe they took that lease in '65.
Q Well do you know where they were in '66 and '7 and '8? A Yes sir.
Q Where were they? A They were there on my father's place.
Q Well when did they leave there? A They left there in the winter or fall of '68 is my recollection.
Q Do you know whether they made a crop there in the year of '68? A Yes, sir, I plowed right with them.
Q Plowed right with them? A Yes, sir, right in the same field.
Q In the same field? A Yes, sir.
Q Did they claim to be Cherokee darkies? A Well I believe they did.
Q Do you know where they said they were going when they left there? A They said they were going to the Nation.
Q You say you plowed in the same field with him? A Same field with him, they had a lease on my father's place, and he bought their crop that fall after they made it.
Q What fall? A Well '68, I married in '68 is the reason I know this, and that woman washed for my mother, and my father was probate judge, and he left everything to me, the reason I recollect all these things, and I didn't know nothing about farming, never had done any farming in my life, and I would go over to him and ask what I should do the next day, and what I should have done and so on.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed Arthur G. Croninger

Subscribed and sworn to before me this 19th day of May, 1902.

(SEAL) P G Reuter
Notary Public.

-:-:-:-:-:-:-:-

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

D. C. Skaggs

Subscribed and sworn to before me this 7th day of June, 1904.

Charles N. Sumner
Notary Public.

F. D-200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

Mr. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book labeled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," from Saline District, the following:

"No. 60. Thomas Mayfield.
Decided against the defendant June 8, 1871."

Mr. SMITH: Counsel for the applicant objects to the introduction of the matter offered because it is incompetent, irrelevant and immaterial, and because the matter offered is not proven to be a judgment rendered against anybody, and because it is insufficient to prove any issue in this cause, and because it does not tend to prove any issue in this cause, and because the same is not competent to be offered before this Commission in evidence in the form sought to offer it, and because the Thomas Mayfield mentioned therein is in no way shown to be identical with the applicant in the above entitled application.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings; I am one of the representatives of the Cherokee Nation. This book was given me as coming from the Executive Department of the Cherokee Nation, where the records of the Supreme Court, as well as citizenship courts, are kept, and this book is part of the records of the Executive Department of the Cherokee Nation, and at the present time in my keeping as one of the representatives of the Cherokee Nation.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed Arthur G. Croninger.

Subscribed and sworn to before me this 24th day of May, 1902.

(SEAL)

Signed P. G. Reuter,
Notary Public.

D. C. Skaggs, on oath, states that the above and foregoing is a full true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

D C Skaggs.

Subscribed and sworn to before me this 7th day of June, 1904.

Charles W. Sawyer
Notary Public.

F. D-200.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Thomas Mayfield for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-200.

APPEARANCES:

Mellette & Smith for applicant.
Cherokee Nation by W. W. Hastings.

J. M. JOHNSON, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A J. M. Johnson.
Q What is your post office? A Garnett, Kansas.
Q What is your age, Mr. Johnson? A 50 years old.
Q What is your business? A My business is real-estate, loan and abstracting.
Q I believe you have already testified that you have lived at Garnett since '59? A Yes, sir.
Q Did you know a colored man up there by the name of Tom Mayfield? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q What was her name? A Nicie.
Q Did they have any children? A One son that I remember.
Q What was his name? A Charley.
Q When did you learn to know Thomas Mayfield? A In '66.
Q In '66? A Yes, sir.
Q Where did he live then, I mean how far did he live from you, in the town or country? A He lived about two miles and a half from Garnett.
Q From Garnett? A Yes, sir.
Q What direction from town? A Southeast.
Q How long did he continue to live there, when did he leave there? A He left there in '68 or after '68, he was there on the 25th day of December, 1868.
Q Do you remember it? A Yes, sir.
Q Did you ever work with him? A No, sir, I was out at his place different times.
Q You was at his place different times? A Yes, sir.
Q On whose place did he live, if you remember? A He first lived on J. C. Gibson's place, an uncle of mine.
Q An uncle of yours? A Yes, sir, in '68.
Q Well it was after '68? A Yes, sir, when he lived on my uncle's place was July, '66.
Q Where did he live after that? A Well he moved about half a mile southeast onto J. Y. Campbell's farm.
Q Did he make a crop there in '68? A Yes, sir.
Q And sometime after this crop was made before he come to the Territory? A Yes, sir.

MR. SMITH: When was it you say he left there? A He left there in '68, after '68.
Q Well how long after '68? A I couldn't tell you just what time he left in '69, he was there on the 25th day of December, '68.
Q December of '68? A Yes, sir.
Q Where was he on the 25th day of August, '68? A He was there on Judge Campbell's farm.
Q How do you know? A Know there was where he lived until he left Kansas, left Anderson county.

Q Well the question was where was he on the 25th day of August, '68?
A Well now, I couldn't say where he was.
Q where was he you say the last time you saw him? A He was there on Judge Campbell's place.
Q When did he go on Judge Campbell's place? A I think he moved on Judge Campbell's place in '67.
Q What time in '67? A Spring of '67.
Q Where did he go from, where was he living before? A He moved from Gibson's farm, right adjoining Campbell's.
Q How long had he been there? A I don't know, only the year '66, he farmed Gibson's place in '66, part of it.
Q What time of the year was it in '66 when you first saw him? A I think sometime in June.
Q Sometime in June? A Yes, sir, that was my first recollection.
Q Well that's been how long ago? A Which, '66?
Q Yes, sir. A Be about 24 years, wouldn't it?
Q From now? A Yes, sir, this is 1902, and '66 would be about twenty - let's see, 20, '66, would be worse than that, be about 32 years ago.

MR. HASTINGS: How many years did you say now it was, after you have figured it up? A '70 would be 30, and four would be 34, and two would be 36 this year.

MR. SMITH: Well now after that lapse of time what is it that makes you remember that it was in June '66, that you first saw this man? A This uncle of mine died in '66, July of '66, that's what fixed it, he was living there on the place when he was taken sick.
Q Who was? A Mayfield, living on my uncle's farm.
Q Have you ever seen him since he went away from there? A No, sir.
Q Well you don't know whether that is the same man that is the applicant in this application or not? A No, sir, I would say that he was.
Q Well, Mr. Johnson, when did you first have your attention called to the time that Thomas Mayfield left Kansas? A Last week when I was talking with parties about these other colored people I mentioned him.
Q Well, now when was he first mentioned to you? A Which, about Thomas Mayfield? We were talking about the colored people, and that is the way it come up, I spoke of Mayfield myself, and they were talking to the old ones that lived there.
Q Where? A At Garnett.
Q Why did you do that? A They were asking me what colored families I knew.
Q Well did they ask you about Thomas Mayfield? A No, sir, I told them about Mayfield, they were asking me and the other parties and trying to fix the names, and I spoke of Mayfield myself, named him among the others.
Q Well he didn't go away from there at the same time according to your idea of it that McNair went away, did he? A No, sir, McNair was among the first that left.
Q Well who left at the time McNair left? A I think some of the Beans.
Q Which ones? A I think Sandy Bean left there at the same time.
Q Who else? A I don't know but the other Beans, some of them Beans I think that probably all of them.
Q Well what were their names, who were they? A There was Tobe, and Joe, there was five of them all together.
Q What was this man McNair's name? A Riley.
Q Riley McNair? A Yes, sir.
Q Well now, Mr. Johnson, when the matter was first mentioned to you could you remember of your independent recollection the date when Mayfield left there? A Yes, sir.
Q Just remembered that? A Remembered that from the circumstances which occurred, just related.
Q Well you had to look up the record about McNair? A Yes, sir, but I didn't about my uncle's death, and things of that kind, circumstances that occurred along about that time, know the time that

they lived on Gibson's, and they left there, and the length of time they lived on there.
Q You remembered Mayfield better than you did McNair? A Yes, sir.
Q When was it you say your uncle died? A July, '66.
Q '66? A Yes, sir.
Q And you say Mayfield didn't leave until '69? A '69, sometime in the first of '69.
Q Let's see, '66, that was some years after your uncle died?
A About a year and a half.
Q Well he died in '66? A Yes, sir.
Q The next year would have been '67? A Yes, sir.
Q Next '68? A Yes, sir.
Q Been two and a half, wouldn't it? A Yes, sir, two and a half years.
Q Well there was nothing about that fact or month that you have stated that would have made you remember this man two years and a half after your uncle died, was there? A No, sir, that occurrence, that would be about all, being bound back to my uncle's death there, and knowing Mayfield and my uncle, the time that they lived on Campbell's farm.
Q Well how long did they live on Campbell's farm? A About two years and a half, two years.
Q Well he lived on Campbell's farm then all the time from the time of your uncle's death on until they left? A Yes, sir.
Q Well now 36 years afterwards you remember whether it was one year and a half, two years, and a half, or three years and a half? A Could from the facts that I told you about.
Q Well you stated a minute ago that it was a year and a half? A Two years and a half after figuring.
Q You had to figure it then? A No, I hadn't made no account of it, no.
Q Well now after a lapse of 36 years do you think that you can be positive that that man lived there two and a half years after you got acquainted with him there? A Yes, sir, by the events and circumstances that occurred, yes, sir.
Q Well now what event occurred? A Well circumstances that we were thrown together, and being back and forth there visiting.
Q What was the circumstance? A Hunting and fishing.
Q Well that long afterwards do you remember whether you had hunted and fished with a man a year or two? A Well, about seasons; '68 was a dry year with us, and about being compelled to go to the creek for water, we could tell what people were living there, would remember it.
Q That's in the early part of '69? A That he left there, yes, sir.
Q Well who else left there in the early part of '69? A None that I know of.
Q Anybody leave there in the early part of 70? A They was several parties left there in '70.
Q '71? A I think there were some of them left in '71.
Q '72? A I couldn't say about that.
Q Well you remember better the further back it goes? A Being associated with them I would know better, if I had been associated with them after that probably it would have been impressed on my mind, I might remember it just as well later as back further.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed Arthur G. Croninger

Subscribed and sworn to before me this 23rd day of May, 1902.

(SEAL) P. G. Reuter
Notary Public.

D. C. Skaggs, on oath, states that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission to the Five Civilized Tribes.

D. C. Skaggs.

Subscribed and sworn to before me this 7th day of June, 1904.

Charles H. Sawyer

Notary Public.

L.R.X. 207

OCT 14 1905
COMMISSION TO FIVE TRIBES.

C. F. D-207.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of FANNIE HIGHT as a Cherokee Freedman.

Appearances:
Hastings, Bell and Davenport, Attorneys for Cherokee Nation.

Witnesses placed under the rule.

FANNIE HIGHT, being first duly sworn, and being examined, testified as follows:

BY COMMISSION : What is your name? A Fannie Hight, used to be Fannie Vann.
Q How old are you? A I call my age fifty years. I am older than that, but that is the way I have got my age.
Q Were you born before the commencement of the war?
A Yessir, right in the CherokeeNation.
Q Where were you living when you first remember?
A I was living at the commencement of the war down close to the Orphan Asylum, as near as I can tell you, on Grand River.
Q What is your postoffice address? A Spavinaw.
Q In what district were you living when you first remember?
A Saline District.
Q How longdid you live in Saline District?
A I coulin't tell you how long I have lived there to this day yet.
Q Have you lived in Saline District ever since you remember?
A Yes sir, only in the time of the war.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q When did you return? A I returned back here in '66, the fall of '6 .
Q Where were you taken to during the war?
A I was taken in Kansas.
Q Who did you come back with? A I came back with my brother-in-law, Tobe Bean.
Q Who else came with you? A My sister Margaret and several others, and Mayfield, Nicey Mayfield.
Q What was Margaret 's name? A Margaret Bean. She was Vann until she married him. She married him before the beginningof the war.
Q Was your name Bean at that time? A No sir, always Vann until I married.
Q You say you came back with Tobe Bean? A Yes sir, in '66.
Q Can you think of anybody else that was with you at that time?
A There was Nicey Mayfield, Tom Mayfield, Arch Bean, and there was a whole lot, I coulun't think of so many. It has been a long time, and I can't think of that many. There was Nicey's sister, Rhoda, she is dead.
Q Did you hear anything of the Horse Creek fight?
A Yes sir, we heard of it. I was on behind it.
Q Did you come down here after the Horse Creek fight?
A Yes sir, right on behind it.
Q How long after? A About a week or two weeks after the Horse Creek fight.
Q Was there any of your part in the Horse Creek fight?
A My brother.
Q What is his name, Irvin Vann?
A No sir, It wasn't Irvin, it was Jesse. My father is named Irvin.

Q Your brother, Jesse Vann, was in the Horse Creek fight?
A Yes sir, he got killed.
Q Did he come in the same crowd you came in? A No sir. Came in the crowd that got killed in the Horse Creek fight. I come in about a week or two weeks after the thing was over.
Q Where did you come to right after the war? A Right after the war?
Q yes? A I come down here at the old Kell place.
Q In what district is that? A I don't know, in Delaware I reckon.
Q In the Cherokee Nation? A Yes sir, at the Lewis Kell place. I camped there until the river was so I could get across.
Q Where did you go then? A In Saline District, at Crap Lynch's.
Q Did you everlive in Illinois District?
A Yes sir, lived there with my father a while.
Q When? A A long time, directly after I came from Kansas, lived there at Fort Gibson.
Q Do you know how long it has been since you were living in Illinois District? A It has been a long time, about twenty-five years now, because my oldest daughter, she is about twenty-five years old.
Q Have you livedthere any since that time, since twenty-five years ago? A No sir, never have lived there since, only remained right in Saline District, and I didn't station there ~~xxxx~~ when I went, only went with him a while.
Q Who is Mary Bean? A My daughter.
Q Where has Mary Bean been living all her life?
A Right here in the Cherokee Nation. She was bred and born right in the Cherokee Nation.
Q In what district? A Saline District.
Q You were not living in Illinois District in 1880, were you?
A I don't know whether it was 1880, or what time it was, but I know I was down there at that time. I guess it was close on to that time, but I never took no notice of it or nothing of the kind.
Q Do you know whether you are on the 1880 roll or not?
A Yes sir, Fannie Vann is on the 1880 roll, my name was.
Q In what district were you living at that time? A Saline District.

MR. HASTINGS: Were you married when you came back here after the war? A No sir, could n't have been married. Only married fifteen years ago, the 20th day of last August, this August past.
Q Were you living with anyone as their wife when you came back here
A Yes sir, I was living with first one family then another. Never settled down in any house of my own.
Q Who had you lived with up in Kansas before you came down here?
A With my sister.
Q What was your sister's name? A Margaret.
Q Margaret what? A Margaret Bean.
Q You say uncle Tom Mayfield came back with you? A Yes sir.
Q That's this old man preacher Tom? A Yes sir, and his wife.
Q His wife came along? A Yes sir.
Q At the same time you came? A Yes sir.
Q That was when you first come back after the war? A Yes sir.
Q How long did you stay at the Kell place? A Just camped over there at the camping place just over night. Didn't live there, just campedthere.
Q Do you remember of seeing Wat West there? A No sir, I never seen Wat West for years after I come here, because the prairie was like a wilderness, and I never seen anybody.
Where did you get anything ~~xxxx~~ eat? A I bought what I had.
Q Who did you buy it of? A Bought it and brought it right along with me. They had a grist mill over to Spavinaw, and we could go there and get meal.
Q Who lived at the Kell place? A Old man Kell.
Q Old man Lewis Kell? A Yes sir.

Q Did you know his wife? A Yes sir, I knowed his wife.
Q What was her name? A Her name was -- I know his wife, if you just let me study. Her name is Sarah, I think, Sarah Kell.
Q You saw his wife there at that time? A Yes sir, and seen him and Carney Kell.
Q Did Tom Mayfield camp there with you? A Yes sir all camped together.
Q About how long did you stay there A Just over night.
Q How many families were along with you?
A I couldn't tell you how many families, couldn't tell you. There was some twelve or thirteen wagons.
Q Give as many of them as you can remember.
A Tom Mayfield, Nicey Mayfield, Margaret Bean, Tobe Bean, Sandy Bean, Arch Bean, Rhoda Davis, Nelson Martin, Henry Martin, and - I don't remember, I wouldn't keep the remembrance of it, it has been a good long while.
Q From what place in Kansas did you come? A Garnett.
Q You lived there, did you? A Yes sir.
Q What year is this? A I don't know what year it is, never paid no attention to what year itis, but I know it is September.
Q What year was it you applied to the Commission to be enrolled?
A What year I applied to the Commission?
Q To be enrolled, this Commission, the Dawes Commission?
A I don't know what year it was. I don't know.
Q Was it two months ago, or a year ago? A It hasbeen a year ago since I first come to them.
Q About a year ago? A Yes sir, maybe two years, or three, never paid no attention to it.
Q Haven't you got any more idea about time than that?
A I know they come here in -- seems to me like they come here in January or February, somewheres along there, orMarch, when they first come here.
Q When the Dawes Commission first came here?
A Yessir. I can't tell you just exactly what time, never paid any attention. Just heard my husband read the date, and said they would hold court.
Q What year was it that Kerns and Clifton made the roll in this country? A I don't know.
Q What year was it Wallace made the roll in this country?
A I don't know, because I can't read to do any good, and I can't keep it, my remembrance is just so short I have to study over my talk
Q You do know thatold man Tom Mayfield was along with you?
A Yes sir, I know he came along with me.
Q Where did youm locate when you crossed the river from the Kell place in Saline District? A Right close to t he Island Ford, I guess. I aint a mile and a half from the Island Ford today.
Q Right there is where you located? A Yes sir.
Q Who did you live with? A I lived with Margaret Bean, my sister.
Q Youmlived with Margaret Bean first? A Yes sir.
Q How long did you live with her? A Until she died.
Q About how long was that? A She died in the time of the smallpox, that has been about fifteen or twenty years ago, maybe longer, I don't know.
Q You made that your home, did you? A Yes sir.
Q Was Carney Kell at Lewis Kell's place when you passed there?
A He was there at night, but I don't know whether he livedthere.
Q You saw him there when you passed? A Yes sir, couldn't see him at night, saw him next morning.
Q Then was when you came down? A Yes sir.
Q What other darkies did you see over there in Saline District after you got there? A I tell you I never seen no darkies at all, but one, old man Scraper.

Q Old man George Scraper? A Yes sir, I expect so, he is the only one in the settlement. All the rest was up in the hills somwehre. I never seen them.
Q Do you know Judge Clark? A Yes sir.
Q Where was he living? A Somewheres off in the upper settlemen t, somewheres up in there.
Q On the Delaware side of the river? A I guessit must have been. And I only just heard of Judge Clark. I couldn't remember anything about him until he moved into the settlement where I lived.
Q On whose place did Tobe Bean locate. A We located right close to Joe Lynch's, and built there.
Q Was there anybody living on the Joe Lynch place when you came back A I think some of the Lynch's was living there, but I can't tell you which one, because I didn't go about them.
You think some of them were living there? A Yes sir, I think so, they said some of the Lynch's. I don't know hetner it was Lon Lynch or who.
Q Do you know whether Carney Kell and Lewis Kell were brothers?
A Of course they were brotners.
Q How far did Tom Mayfield locate fro m you ov r to Saline District?
A He located about five miles down below us.
Q You came the same time that he came? A Yes sir.
Q He never went back after that, he lived right there?
A No sir, he never went back.
Q Where was this man George Scraper livin , you say, when you came there? A Up there right across the prairie.
Q Whose place? A His own place, I suppose it was his own place. He always said it was his own place. I know he lived there until he sold it and moved away. By that it must have been his own.

BY COMMISSION: Do you know when the census takers came aroun in 1880? A Yes sir.
Q Where were you livin then? A In Saline District.
Q With what family? A My sister, and I went to Landrums while they were taking t he census, old man George Landrum, they took the census right in his house.
Q You was there when they were takin the census? A Yes sir.
Q What was your name at that time? A Fannie Vann.
Q In what family were you enrolled, you say you were on the 1880 roll, in what family did you enroll? A I enrolled my two children, Mary Bean and Sallie Sutton. That's the only family I had to enroll.
Q You think your name is on there with Mary Bean and Sallie Sutton?
A Yes sir.
Q Anybody else? A No sir, nobody but them. That is all the family I had. Of course there is just myself and my grandchild now.

TOBE BEAN, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Tobe Bean.
Q How old are you? A Must be about sixty-seven years old, I guess.
Q What is your post office? A Vinita.
Q Are you a Cherokee Freedman? A Yes sir.
Q Are you acquainted with the applicant in this case, Fannie Hight?
A Yes sir.
Q How long have you known her? A Ever since she was a small girl.
Q Did you know her before the war? A Yes sir.
Q Where did she go during the war? A Went to Kansas.
Q Who did she return with? A Me.
Q When? A In '66.

Q What time of the year? A Before Christmas, sometime in the fall before.
Q Was it after July and before Christmas? A Yes sir, it was after July.
Q Name all the people that came back with you at that time?
A I can't name them all.
Q Name all you can remember?
A Me, Tobe Bean, Joe Bean, Jake Bean, Sandy Bean.
Q Anybody else? A Arch Bean, Fannie ~~Hight~~ Vann, Morgan Bean.
Q Fannie Vann, is t hat this applicant? A Yes sir.
Q Where did you come to in the Cherokee Nation? A On Grand River.
Q Where did you leave Fannie Vann, or Fannie Hight?
A When she left me I came here to Gibson to her father.
Q How many trips did you make back from Kansas after the war?
A In '66 I made two.
Q When did you make the first one? A In September some time, I think.
Q When did you come down the second time? A It must have been October, I guess, I just made the trip there and back.
Q Did you come down any more prior to January 19, 1866? Make any more trips after that trip in October and September?
A Yes sir, I made seven trips after that.
Q When wasthe thirdtrip? A It was a year afterwards, I guess.
Q That was along in the fall of 1867 then, was it? A Yes sir.
Q On which one of those trips did Fannie Hight come with you?
A The second.
Q Do you know where Fannie Hight, or Fannie Vann, was living in 1880? This woman, do you know where she was living? A She must have lived at Fort Gibson. I don't recollect, but she went down there with me.
Q What was her name at that time? A Fannie Vann.
Q Did you know any other Fannie Vann in Illinois District?
A No sir, I didn't.
Q How did she get the name of Vann? A Her father was a Vann, and she went by herfather's name.
Q She afterwards married a man by the name of Hight? A Yes sir.
Q Where has she been living since the close of the war?
A Lived at Gibson a while, then lived on Grand River.
Q Has she ever been out of the Cherokee Nation?
A Not as I know of.

MR. HASTINGS: Where was she living in Kansas, Tobe?
A Living in Anderson County.
Q Near what town? A Garnett.
Q How faris Garnett from the Cherokee line? A It must be about 100 miles, I guess.
Q What time do you claim your first trip was down here after the war? A September.
Q You claim to have been in that Horse Creek fight? A Yes sir.
Q Where was that Horse Creek fight? A On Horse Creek.
Q At whose place? A Close to old man Knight's. I don't know who owns it now.
Q Did you see Bob Knight there at that time? A Never seen him.
Q Did you see anybody? A No sir, the bushwhackers didn't give me any time. I picked up and run. You would have run too if they had been shooting at you. They shot me once in the arm.
Q You were shot in the left arm? A Yes sir.
Q Break your arm? A No sir.
Q Where did you go from there? A Come on down Cabin Creek, on to Spring Creek.
Q Went to Cabin Creek? A Yes sir

Q Have any women with you on that trip? A Yes sir.
Q Who did you have with you? A One of the women is out there now. Her name is Abbie Shaw, and old man Sanders(?) family.
Q Any other women? A Yes sir., a lot of women. Old Aunt Mary Musgrove.
Q She was along? A Yes sir, and Sarah Murrell and Susan Bowles.
Q Where did you and the women go, on down to Saline District
A Yes sir.
Q All of you go to Saline? A Yes sir, but two died, women, and we buried them, buried one on the old convention place there.
Q What two were killed? A Philip Daniels, Jesse Vann and Wes Vann, two of them killed.
Q To whose place did you come, down in Saline?
A Went to Kate Williams'.
Q How long did you stay there? A Three or four days.
Q Where then? A Over to Dave Vann's place, stayed there and then came on to Cabin Creek and stayed about a week at the old Charles Landrum place.
Q Who was living there at that time? A Crap Lynch.
Q Anybody else? A Crap and Art and his mother.
Q Where did you go from there? A Went back to Kansas.
Q Were you in wagons or on horseback? A Wagons.
Q Did you all go back to Kansas? A No sir, all didn't. Me and Jake Bean and George Bean and Martin went back.
Q Horseback? A No sir, in wagons.
Q Who come along with you at the time that Fannie Hight come out, that trip? A Her mother and father and Art.
Q Did Fannie's mother and father come? A No sir, her father was down here all the while.
I thought you said her mother and father? A No sir, my mother and father. Rachel
Q What was their names? A Bean and Samuel Bean.
Q When did your wife come? A She came with me that trip.
Q Was Tom Mayfield along that trip? A Yes sir.
Q Old man Tom down here? A Yes sir.
Q Whose place did you stop at when you come along down here on that trip? A Stopped at Crap Lynch's.
Q Did you come by Lewis Kell's place that time?
A No sir, I don't think we did. I think we went the road that turned of before you get there, across the prairie.
Q You don't remember camping there that day?
A No sir, we didn't camp there that day.
Q You are certain that Tom Mayfield was along with you that time?
A No sir, I am not certain. It may have been the third trip. I wouldn't be certain it was the second one.
Q How long did you stay down here on the second trip?
A Stayed until just about Christmas.
Q Who went back with you when you went to make the third trip?
A Joe Bean and Jake Bean.
Q About the same crowd of fellows? A Yes sir, the same ones.
Q Who came with you on that third trip?
A I don't know, a whole lot of us. come, I don't know who all was along.
Q Well, was Tom Mayfield along that third trip? A I can't recollect. I believe he was though. I know Columbus Rogers was along.
Q You are not certain when the third trip was, are you?
A No, I know it is some trip. I don't know what trip it was. We went backwards and forwards a number of times.
Q You went backwards and forwards a number of trips since the war?
A Yes sir, I aint been back for a number of years though.
Q You don't know just when it was that Uncle Tom Mayfield came with you? A No sir, I don't remember just what trip it was.

Q Do you remember when you came of camping by Lewis Kell's place and waiting for the river to run down? A We camped right at the river at the old Charles place.
Q That was when Mayfield came with you? A Yes sir.
Q That wasn't your second trip down here? A No sir, I don't think it was.
Q That was some of those other trips when you brought Tom Mayfield you camped there? A There was always come crowd coming, didn't try to keep account.
Q Did you know Carney Kell? A Yes sir, used to know him.
Q When was the first time you ever saw him after the war?
A I can't tell you exactly when was the last time.
Q When was the first time? When was the first time you ever saw Lewis Kell after the war? A It must have been about '67, I guess, somewheres along there.
Q You say that's the first time you ever saw him?
A The first time I can recollect.
Q In the fall of '67? A I guess it was in the fall.
Q That was the first time you ever recollect seeing Lewis Kell and Carney Kell? A Yes sir, that's the first time I ever recollect seeing them.
Q Was that the time you and Tom Mayfield camped there on the bank of the river, when you first saw him? A Never saw him before that time, it wasn't the first time I saw him, didn't see him then. I don't believe I saw him until in the spring, I camped over there to his place.
Q It was after that, you and Tom came along, that you saw him?
A I don't know whether it was afterwards or before then. Mr. Landrum was living at the Kell place, and Mr. Moore, I think the name was, had a store there the first time I came there.
Q Who did the applicant, Fannie Hight, live with after she came down?
A Lived with me before, she came from her father's.
Q How long did she stay with you before she went to her father's?
A About a month, I guess, then I carried her to her father's.
Q How long did she stay with her father before she came back up and lived with you? A I don't know, two or three years, I guess.
Q Had she come back up to your place before the smallpox?
A Yes sir.
Q How long? A Three or four years.
Q Three or four years? A Yes sir.
Q They had the smallpox in 1883, didn't they?
A I don't know when it was, must have been along there.
Q Then she had been at your place three or four years, and for three or four years before that she had been down with her father?
A I don't know how long she had been with her father.
Q You are not very good on dates? A No sir, never had a chance like you. I was a slave and had to work.
Q What year did Wallace make this roll here? A I can't recollect that.
Q What year did you make your first application to the Dawes Commission out here? A I don't know, I have forgotten.
Q When did you apply to the Kern- Clifton Commission?
A It must have been '92, I guess. I don't know, I forgot. I can't keep dates.
Q What year is this? A It must be about 1901, I guess. I don't know good.
Q You don't know? A Not good.

BY COMMISSION: Who were in that Horse Creek fight with you?
A Wes Vann, Cull Daniels, and Jess Vann, we four was together when the men ran on us. There was a whole lot crowd in the wagons behind

us, Sam Vann, Jake Bean, and they came up and began shooting-
Q Name some of those behind you in the same crowd.
A George Vann, Eli Vann, Gilbert Vann, and a young fellow they called Boots, and blind Ellis he was along.
Q Can you name any more of them? A Jess Shaw, Ibbie Shaw, Patsy Daniels, Phyllis Bean, Lou Bean and Susie Bowles, and a lot of children, I don't know the childrens' names.
Q Were there any women and children with you at that time?
A Yes sir, behind in the wagons.
Q How long had you all been in the Cherokee Nation at the time that happened? A We were just coming in, had been over the line about half a day, I guess.
Q Did some of them go back to Kansas? A Yes sir, I went back, after we come ond own here to Spring Creek and stayed there a while.
Q Some of you went into Kansas, and some of you come down here?
A No sir, all come down here and located down on Spring Creek. Some went as far as Gibson and fooled around and turned around and went back to Kansas. We Bean boys went back, and Lew Martin. Gilbert and his outfit was located on Spring Creek and stayed there.

MR. HASTINGS: Then this George W. Vann wasn't in this fight at all
A George Vann, he was right there in the wagons.
Q He was behind with the wagons? A Yes sir, all back with the wagons. They were behind us.
Q You was in the advance, you and Wes Vann, Jess Vann and Phil Daniels. Who else now, was in the advance when the shooting commenced? A We four was together. There was some way ahead of them. I think it was old Aunt Chlora Chouteau.
Q Then thefight was between you four and some parties out there.
A Between us four?
Q Yes, you four and whoever it was shooting at you? The rest of your crowd was about a quarter behind? A Some men was in the bushes and commenced shooting at us. I never had anything to shoot with. One man had a pistol buckled on, I think, two of them.
Q White men? A White men, Indians or something.
Q Shooting at you? A Yes sir.
Q George Vann wasn't with you in the crowd? A No sir, he was off a little ways.. I don't know whether it was a quarter or not. Just coming along like they do travel.
Q He wasn't in the fight with you? A No sir, was't Anything fighting they rode up and began shooting..
Q The rest of you ran? A I was the only one that ran. The rest of them never had no chance. The rest of them went back to the wagons to get their guns.
Q You elected George Vann captain? A They just called him captain.
Q Where did you elect him captain? A They called him captain when I got in the crowd. I got in the crowd at Fort Scott.
Q He was about sixteen years old, wasn't he? A I don't know how old he was.
Q He was just a young boy, wasn't he? A Grown man.
Q A whole lot of you older men had been in the army?
A I had never been in the army.

MR. BELL: What time in September was that Horse Creek fight?
A Alongpretty early, along towards the first of September.
Q Wasn't it in the last of September? A I think it was along towards the first.
Q Did you come to Gibson before you went back? A No sir, never no further than Spring Creek.
Q You stayed there about two weeks? A About a week, I expect.
Q You were two places, one place a week, and how long did you stay at the other place? A A couple of days.

Q How long did you stay up here before you started again?
A Here on Cabin Creek? About three days. Just come up here on Cabin Creek, helped Crap gather some corn, and went on to Kansas.
Q Do you know about what month it was when you got back to Fort Scott? A No sir.
Q How long did you stay up there before you started back?
A About two or three weeks.
Q What is the distance, you think, from Spring Creek? You went to Garnett? A Yes sir.
Q What is the distance from Spring Creek to Garnett?
A It must be about 150 miles, or something along there.

IBBIE LYNCH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Ibbie Lynch.
Q How old are you? A I guess I am - I will have to just guess at it, because my mother couldn't keep the record. I guess I am about sixty-three years old, as near as I can guess at it.
Q Were you a slave before the war? A Yes sir.
Q What is your post office address? A Spavinaw.
Q Do you know the applicant in this case, Fannie Hight?
A Yes sir.
Q How long have you known her? A I have been knowing Fannie Vann ever since she was a baby.
Q Do you know where she was living in 1880? A No sir, I don't know exactly where she was living then.
Q What was her name in 1880? A Fannie Vann.
Q Did she have a family at that time? A No sir.
Q Was she taken out of the Cherokee Nation during the war?
A No sir. During the war? Yes sir, she was taken out of the Cherokee Nation then, she was small.
Q Where did she go? A Kansas.
Q Do you know when she came back? A She came back in the fall of '66.
Q When did you come back? A In the fall of '66.
Q Did you come with her? A No sir, not at the same time, but she came soon afterwards. I don't guess I was home more than a month or two months before they came.
Q Where did you see her the first time? A I was living down on Spring Creek, in the neighborhood of Spring Creek, and her father come up here to get her and carry her to Fort Gibson, in the fall of '66.
Q Is Spring Creek in the Cherokee Nation? A Yes sir.
Q You saw her then at Spring Creek? A Her father was taking her on to Fort Gibson.
Q Anyway, you saw her at Spring Creek? What year?
A That was in the fall of '66. I don't know what year, that's all the furthest I can give. I don't know exactly what year it was, but I can tell it was in the fall of '66.
Q How do you know it was in '66? A Because we got the notice in Kansas to come down in the fall of '66, and that's what we came by.
Q Who was with her when you saw her? A Her father.
Q Anybody else? A Nobody but her father. Her father is my cousin.
Q Where did she go at that time? A Went down to Fort Gibson.
How long did she stay there? A I don't know that. She started there until she returned, but I don't know when she came back from there.
Have you applied for enrollment yourself as a Cherokee freedman?
A Yes sir.

MR. HASTINGS: Did they stay all night at your house when they passed going down to Fort Gibson? A No sir, they didn't stay all night.
Q You just saw them passing along the road? A They stopped there and told me good evening.
Q Anybody else besides those two? A Just them two.
Q What year is this? A I don't know what year this is.
Q What year was it Kern Clifton made the roll? A I don't know that
Q What year was it Wallace made the roll? A I don't know that, sir
Q You don't know a single year, do you? A Yes sir, I know a single year, but I don't know the dates of the single years. That's the trouble, the colored folks never went to school and don't know anything about those things.
Q Had you had corn planted when this woman came along?
A No sir, we didn't have, not when she passed. It was late in the fall when she came by my house.
Q Had you gathered corn? A Yes sir.
Q You raised good corn that year? A Yes sir, I guess we did raise good corn that year.
Q What sort of a house were you living in? A Log house.
Q On whose place was it? A Living on Mrs. Williams' place, Aunt Kate Vann.
Q Had you built the house? A No sir, we just went in an old house that was already built there.
Q On whose place did you make a crop there? A Old man Joe Vann's place.
Q It was that fall that you made a crop this woman came along?
A Came the same fall we come, only she didn't come with us.
Q You had made a crop on this Kate Vann place?
A Old man Joe Vann's place.
Q How long has it been since the Commission began making a roll out here? A I never did - this is the first time I ever was before the court. My husband always did that. I couldn't tell you anything, I don't know.
Q You don't know anything about dates, do you? A No sir.
Q How old was this girl when you saw her the first time after the war? A I don't know exactly how old she was then.
Q Was she grown? A Yes sir, she was grown, but I don't know her age.
Q About how, did she appear to be? A I couldn't tell just exactly, but then she was grown. Couldn't tell you exactly how old she was.
Q Take her to be twenty-one or -two? A I don't know that I could guess at her age.
Q To the best of your judgment? A She didn't live with me alone in there.
Q That is the first time you saw her after the war?
A Yes sir. No, I have been around this girl ever since she was a little bit of a thing.
Q But I say after the war? A Yes sir, after the war.
Q They just passed along the road and said Howdy to you and went on
A Yes sir.
Q That wasn't the same time you saw, it was after
A It was after, not in the same year.
Q Same year? A Yes sir.
Q How many months in the year? A Twelve, they always told me.
Q You say how you made a crop on this Kate Vann place when this woman came along in the fall? A Yes sir, on Uncle Joe Vann's place.

BY COMMISSION: Did you know Fannie Night before the commencement of the war? A Yes sir.
Q Who did she belong to? A Her father belonged to Susanna McNair.
Q Was Susanna McNair a Cherokee citizen? A Yes sir.
Q Was Fannie Night, or Fannie Vann, living in the Cherokee Nation at the commencement of the war? A Yes sir.
Q Was she the slave of Susanna McNair at that time? A Yes sir.

MR. HASTINGS: Where do you live now? A Live over across the river in Lynch's settlement.
Q Who is your husband? A Lewis Lynch.
Q How long did this Fannie Night stay down t here with her father when she went down, before she moved up in your settlement?
A I couldn't tell you, but I can tell you she passed by going there, but as to hercoming back, I couldn't tell you when she came back.
Q Did she stay there a year or two? A I guess she did.
Q Well, three or four years? Your best judgment now, as to how long she stayed down there. A She stayed there about two years, as near as I can guessit.
Q Had she come back up in your country when the smallpox broke out?
A Yes sir.
Q How long had she been there? A Had been there a year or two, I guess.
Q Well, now, she had been at Fort Gibson a year or two, then back up in your settlement a year or two before the smallpox broke out?
A Yes sir, she was right there in the time of the smallpox.
Q That was in 1882 or 1883, wasn't it? A I guessit was.
Q Who was she living with when the smallpox broke out down t here?
A Living with Tobe Bean.
Q You don't know how long she had been living there? A Yes, on the place she lived -
Q You don't know how long? A I don't know exactly how lo ng she stayed there, but anyhow she stayed with Tobe Bean.
Q You do n't know how lon she stayed with her father?
A No sir, about twom ears, I guess.

CAROLINE LANDRUM, being first duly s worn, and being examined, testified as follows:

BY COMMISSION: W at is y ur name? A Caroline Landrum.
Q How old are you? A I am about sixty, I guess.
Q Were you born a good while before the commencement of the war?
A Yes sir.
Q What is your post offi ce? A Spavinaw.
Q Do you know the applicant in t is case, Fannie Night? A Yes sir
Q Did you know her before the commencement of the war? A Yes sir.
Q Was she the slave of a Cherokee citizen at the co mmencement of the war? A Yes sir.
Q Where was she living at the commencement of the war?
A She was living down below.
Q Was she living in the Cherokee Nation at the commencement of the war? A Yes sir.
Q Was she taken out of the CherokeeNatio during the war?
A No sir:
Q Did she go out of the Cherokee Nation at all during the war?
A She went to Kansas.
Q When did she come back? A She come back in t e fall of '66.
Q When did you first see her after the war? A Right on Grand River
Q Where is that, in what Nation? A In the Cherokee Nation.

Q When did you see her on Grand River? I seen her directly after she come in, in the fall of '66.
Q Who was with her when you saw her? A She come in with the Bean family.
Q Who was with her at the time you sawher? A Her sister, Margaret Bean.
Q Anybody else? A No sir, not that I can recollect.
Q Was she living there on Grand River there at that time?
A Yes sir.
Q How long did she live there? A She has been living there ever since she come in until now.
Q In what district is Grand River? A Salina.
Q What was her name right after the war? A Fannie Vann.
Q What was her name in 1880? A I don't know, sir, what it was.
Q Do you know where she was livingin 1880? A No sir.

MR. HASTINGS: I believe you just told theCommission she had been living right down here ever since she came back here from Kansas?
A Yes sir.
Q Then if she hasbeen living there ever since she must have been living there in 1880, wasn't she? A She hasbeen living there ever since she came from Kansas.
Q All the time? A Yes sir.
Q You know that now? A yes sir.
Q She hasnever lived anywhere else? A She went and stayed a little while with her father, but her home is on Grand River.
Q How long did she stay at Fort Gibson? A I can't tell you.
Q About how long, your best judgment? A Well, sir, I couldn't tell you, how long she did stay down there with her father at Fort Gibson.
Q Did she stay there a month? A Yes sir, I guess it was about a month, maybe a little longer.
Q That is your best judgment? A Yes sir.
Q How long had she been back down here before she went to Fort Gibson to see her father, before you saw her father?
A Couldn't tell you.
Q And she stayed down here a year or two before she went to Fort Gibson to her father? A Yes sir.
Q Thatis your best judgment, is it? A Yes sir.
Q After she stayed here a year or two her father heard of her and come and got her? A No sir, she just went to see her father.
Q Her father didn't come for her? A Couldn't tell you whether he come for her or not. She went and stayed with her father a little while.
Q How longwasit she stayed down here before she went to Fort Gibson and stayed withnher father? A Couldn't tell you.
Q About how long? A I couldn't tell you how longit was.
Q Three or four years? A Couldn't tell you how long it was.
Q You know what year this is? A No sir, I don't know what year this is.
Q You don,t know any years do you? A Yes sir, I know what some years is.
Q What year do you know? Do you know the year '66? A Yes sir.
Q Do you know the year 1866? A Yes sir.
Q Which one of those years comes first? A I don't know.
Q You don,t know which one? A Couldn't tell you.
Q You couldn't tell? A No sir.
Q Where were you living after the war? A On Grand River.
Q On this side or on the other side? A On the other side.
Q On whose place? A It was on a place there close to where Mr. Joseph Lynch used to live.

Q Close to where Mr. Lynch used to live? A Yes sir.
Q Was there anybody living on the Lynch place? A No sir, no one living on it, but some of his place, we used to live on that.
Q Where had you ever seen Fannie Hight before the war?
A Down on Pryor Creek.
Q Pryor Creek? A I think it was right there..
Q At whose place? A She was living there. I couedn't tell you whose place it was.
Q You couldn't tell whose place it was? A No sir, there was colored people.
Q Was that before the war? A No sir, since the war.
Q I asked you where had you ever seen her before the war?
A Down on the river, I couldn't tell what place they calledit.
Q You don't know who her owners were, do you? A No sir.
Q The fact of the business is, you never saw her before the war? did you? A Yes sir, I seen her when she was a little girl.
Q At whose place? A Some of the Adairs I think.
Q Where did they live? A They live down the river just below us there.
Q You haven't got much definite recollection about that? A No sir
Q You are not right positive when you saw her after the war?
A Yes sir, I have.
Q When, in the spring, or in the fall? A In the fall.
Q In the fall of '76? A Fall of '66.
Q Which comes first, '66 or '76? A I couldn't tell you.
Q Couldn't tell? A No sir.
Q What is your husband's name? A I haven't got no husband.
Q Ever have one? A Yes sir.
Q What's his name? A George Landrum.
Q Who was you living with when you saw this woman first?
A Living at home by myself.
Q By yourself? A Me and my husband.
Q You and George Landrum? A Yes sir.
Q Did you know Lewis Kell? A Yes sir.
Q Carney Kell? A Yes sir.
Q Were they living there when you saw this woman? A Yes sir.
Q Carney had done come back south? A Yes sir.
Q It was that next fall you saw this woman? A I couldn't tell you whether it was the next fall or not.
Q Or the fall after that? A I know he lived on the river.
Q At that time? A No sir.
Q When you saw this woman? A Yes sir, he livedthere then when I saw her.
Q How about old man Tom Mayfield? A I don't know anything about when he came in at all.
Q Had he come in when you saw this woman?
A No sir, I don't think he had.
Q He come after that? A I couldn't tell you what time he did, I didn't know him.
Q Who did she live with when she first came back? A She lived with this man Philip Bean and her sister.
Q How long did she live with them until she went to live with her father? A I coulan't tell you.
Q Which year comes first, '65 or '66? A Couldn't tell you that.
Q Whom did you belong to? A I used to belong to Johnson Thompson.

Mr. Hastings: The attorney for the Cherokee Nation requests that the testimony ~~xxxx~~ introduced by the Cherokee Nation in the case of Tom Mayfield, Freedman Doucttul 200, as to the return of Thomas Mayfield to the Cherokee Nation, remade a part ofmthe recordin this case.

Commission: The request of the Cherokee Nation will be granted

L. B. BELL, being first duly sworn on behalf of the Cherokee Nation, testified as follows:

MR. HASTINGS: What is your name? A L. B. Bell.
Q What is your age? A Sixty-five.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Post office Vinita? A Yes sir.
Q Do you know Lewis Kell? A Yes sir.
Q Do you know Carney Kell? A Yes sir.
Q What r elation were they? A They were brothers.
Q Where were you living at the close of the war.
A Rusk County, Texas.
Q Where was Carney Kell living at the closeof the war?
A Carney Kell lived all the year of '66 on my farm. He made a crop of cotton there.
Q In Rusk County, Texas? A Yes sir.
Q About when did he leave there? A About the middle of February, '67.
Q But he lived all the year of '66 on your farm in Rusk County, Texas? A Yes sir, he may not have made a cotton crop in February, '66, but he made a cotton crop there.
Q Is this the same Carney Kell that this woman has testified about seeing? A Yes sir, that is the Carney Kell, the brothe r of Lewis Kell.

Wm. Hutchinson, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes he correctly reported the testimony andproceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm. Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Charles H. Dawson
Notary Public.

Cherokee Freedman D-207

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Fannie Wight as a freedman of the Cherokee Nation.

-: D E C I S I O N :-

The record herein shows that on May 8, 1901, Fannie Wight appeared before the Commission at Vinita, Indian Territory, and made application for the enrollment of herself, among others, as a Cherokee Freedman. The other parties to this application being differently classified are not embraced in this decision. Further proceedings in the matter of said application, were had at Chelsea, Indian Territory, on June 12, and October 11 and 25, 1901 and at Vinita, Indian Territory, on September 21, 1903. Copies of the testimony taken in the case of Tobias Bean, Cherokee Freedman D-205, and Tom Mayfield, Cherokee Freedman D-200, were filed herewith and made a part of the record in this case.

The applicant, Fannie Wight, is duly identified as Fannie Vann, adopted colored, upon the 1880 Authenticated Tribal Roll of the Cherokee Nation.

It is further shown that she has lived in the Cherokee Nation continuously since the making of said roll.

It is, therefore, the opinion of this Commission that Fannie Wight should be enrolled as a Cherokee Freedman, in accordance with the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Chairman.

Commissioner

Commissioner.

Muskogee, Indian Territory,

JUL 23 1904

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Fannie Hight,
Spavinaw, I.T.
Cherokee F-D-207
Register.

COPY.

Cherokee Freedmen
D 207

Muskogee, Indian Territory, August 19, 1904.

Fannie Hight,

Spavinaw, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the Commission's decision dated July 23, 1904, granting your application for enrollment as a Cherokee freedman.

Respectfully,

Tams Bixby.

Chairman.

Commissioner in Charge.

Encl. V-9

Register.

Cherokee Freedmen
D-207.

Muskogee, Indian Territory, September 9, 1903.

Fannie Night,

Spavinaw, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are hereby advised that further testimony is required as to whether or not you returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
No.1375

Muskogee, Indian Territory, September 24, 1904

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of your office letter of September 15, 1904, calling attention to the note upon Cherokee freedmen straight card No.1375, Fannie Night, recently transferred from Cherokee freedmen D-207, to the effect that applicant was "On Cherokee freedmen card D-207, May 8, 1901; on this card April 22, 1904", while the note stamped upon said card shows that the Commission's decision granting the application bears date of July 23, 1904.

In reply you are advised that said note should read as follows: "On Cherokee freedmen card D-207 , May 8, 1901; on this card August 22, 1904."

Respectfully,

Tams Bixby.
Chairman

Cherokee Freedmen

D-209.

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, granting the application of Fannie Hight for enrollment as a Cherokee freedman.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. S-79.

Commissioner in Charge.

Cher Fr 1376

See Cher Fr D496

Cher Fr 1376

Cherokee Freedmen D-907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Armstead Foster as a Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 27, 1901.

In the matter of the application of Armstead Foster for the enrollment of himself and child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Armstead Foster.
Q How old are you? A I don't know exactly.
Q Well about how old? A I am about 39.
Q What is your post-office address? A Inola.
Q What district do you live in? A I am living in the Creek Nation.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is the name of your child? A Gertha.
Q How old is Gertha? A She is 8 years old.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucinda
Q Is your wife on the roll of 1880? A Yes sir.
Q Is your wife a Cherokee Freedman? A No sir.
Q Is she a Creek? A Yes sir.
Q What is your father's name? A Randell Foster.
Q What is your mother's name? A My mother's name so said Liza Phillips, but I don't know nothing about her.
Q Where were you born? A They said I was born in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Until I was grown.
Q Is your name on the rolls of the Creek Nation? A Yes sir.
Q You live in the Creek Nation now? A Yes sir.
Q How long have you lived there? A About eight years.
Q Your wife a colored woman? A Yes sir.
Q What's her name? A Lucinda. Her name was Lucinda Vann before she was married.
Q That your present wife? A Yes sir.
Q Have you ever been married more than once? A Yes sir.
Q What was your first wife's name? A Martha Landrum.
Q Is she a citizen? A She is a citizen of this nation.
Q Is she living? A Yes sir.
Q You are not living with her? A No sir.
Q Is her name on the roll of 1880? A I think it is.
Q Who was the mother of Gertha? A She is dead. Her name was Louisa.
Q How many times have you been married? A About 4.
Q What was your second wife's name? A Louisa Tobler.
Q What was your third wife's name? A I guess that's all.
Q Three? A Yes sir.
Q Your present wife is named Lucinda? A Yes sir.
Q Who was the mother of Gertha? A Louisa Tobler, a Cherokee darkey.
Q Is her name on the roll of 1880, do you know? A I don't know.
Q When did you marry her? A I don't know.
Q She living? A No sir, she is dead.
Q Was she dead before you married Lucinda Vann? A Yes sir.
Q Where you say you were born? A In the Cherokee Nation.
Q You lived in the Cherokee Nation until you were grown? A Yes sir and married here.
Q You lived with Randell, and Eliza? A No sir, my step-mother raised me.
Q What was your step-mother's name? A Vina Foster.
Q You haven't got the child, have you? A No sir, it is with its grand-mother.

VINA FOSTER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Vina Foster.
Q What is your age? A I don't know, sir I told you.
Q About how old are you? A Why you guessed it to-day.
Q Did I, well I couldn't guess it again because I couldn't recollect it.

MR. HASTINGS, Cherokee Rep've: 55 or 6.

Q What is your post-office? A Kemp.
Q Do you know Armstead Foster? A Yes sir.
Q Any relation to you? A My step-son.
Q Was he ever called any other name besides Armstead? A Not while he stayed with me he wasn't.
Q Do you know whether he was called by any other name when he has been with anybody else? A Other folks I guess called him other name.
Q What other name? A Some calls him Armstrong and some John, but at home we call him Armstead.
Q What is his proper name? A Armstead.
Q You know whether his name is on the roll of 1880 or not? A No sir, I don't know.
Q Randell Foster was your husband? A Yes sir.
He is dead? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q And Randell's? A Yes sir.
Q Was he Randell' Foster's son? A That's what he told me, he had him with him when I and him were married.
Q You don't know anything about his mother? A No sir, I never saw her.
Q You don't know whether Randell and his mother were married or not? A No sir.

Applicant, ARMSTEAD FOSTER, re-called and further examined;

BY MR. HASTINGS, Cherokee Rep've:
Q ~~Where were~~ Where were you married the first time? A On Big Creek.
Q Where were you married the second time? A Down at Marshalton, Creek Nation.
Q When were you married the second time? A I don't know.
Q About how many years ago? A I don' know.
Q When were you married the third time? A About three years ago.
Q Now Gertha's mother is that Tobler woman, Louisa Tobler? A Yes sir.
Q She was a Creek? A No sir.
Q Wasn't she living in the Creek nation when you married her?
A Yes sir, but she wasn't no Creek.
Q Who was she living with? A She was living with her mother.
Q What was her mother's name? A She was a Tobler.
Q You know whether her mother was a Creek or not? A No, she was no Creek I tell you.
Q You and this woman though always lived in the Creek nation together after you married, you and Louisa Tobler? A Yes sir.
Q And this child, Gertie, was born over there? A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and name of Tobler not found thereon.

BY COM'R MERRILES:
Q You lived with Louisa Tobler in the Creek nation? A Yes sir.
Q Did you ever have her enrolled over there as a Creek citizen?
A No sir.
Q Did you ever draw any Creek money? A No sir.
Q Did you ever draw any for Gertha? A No sir.

Q Is your present wife enrolled as a Creek ow r there? A Yes sir.
BY MR. HASTINGS:
Q Is your first wife dead? A She is out he re on Lightning Creek.
Q She is alive? A Yes sir.
Q Were you ever divorced from her? A Didn't ne ed to do it, we didn't marry under no license, and we didn't need no divorce.
Q How long did you liv e with her? A Until we quit.
Q How long? A I don't know.
Q About how ma ny years? A I don't know, I neve r took no account of it.
Q As much as 10 ye ars? A I don't know.
Q Now we will have to have your be st judgment? A I don't know, I didn't ke ep no count of it.
Q Well you live toge ther more than five ye ars didn't you? A No.
Q Four? A No, I don't know how long, we didn't live together that long though.
Q Well, three ye ars? A No.
Q Well about how long did you and she live toge ther? A I think we was married some time along in June or July and September me and her parted.
Q Who married you? A Sam We ber.
Q That wasn't your first wife? A Yes sir.
Q And you parted after that in September? A (No reply.)
Q But you was married to he r by a preacher? A Yes sir.
Q And no court ever divorced you? A No sir.
Q You afterwards married this Tobler woma n? A Yes sir.
BY COM'R NEEDLES:
Q And she was the mother of this child? A Gertha, yes, sir.
Q Was she ever a recognized citizen of the Cherokee Nation, Louisa Tobler? A I think she was.
Q Ever draw any money, name on the rolls? A I don't know whether she did or not.

ROBERT GLASS, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Rob rt Glass.
Q How old are you? A About 55.
Q You are a Cherokee Freedman? A Yes sir.
Q What is your post-office address? A Lenapah.
Q You know the applicant he re, Armstead Foster? A Yes sir, I know him.
Q You know who his father was? A Yes sir.
Q Who? A Randell Foster.
Q Who was his mothe r? A I couldn't tell that.
Q Don't know? A No sir.
Q How long have you known Armstead? A I knowed him hince time of the war.
Q He was a child then? A Yes sir.
Q He was called Randell's son? A Yes sir.
Q But you don't know his mothe r? A No sir.
Q Are you on the roll of 1880? A Yes sir.
Q You know whether Armstead is or not? A He ought to be.
Q Why? A All his people was on the rolls.
Q Was his mothe r on the rolls? A I don't know his mothe r.
Q You don't know then whether Armstead is on the roll of 1880 or not? A I don't know.
Q You don't know anything about his mothe r? A No sir, I neve r did see he r.
Q You don't know whether she was a state woman or a slave? A No sir
Q You don't know whe ther she was married to Randell Foster or not?
A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 100 #2499 Armstead Foster, Cooweescoowee District.

(One Armstrong Foster is found on the 1880 roll, but it is not determined who it is.--stenog.)

Applicant, ARMSTEAD FOSTER, re-called and further examined;

BY COM'R NEEDLES:
Q Are Rebecca and Jimmie your children? A Yes sir.
Q Where are they? A Both dead.
Q How long have you been living in the Creek Nation? A About eight years.
Q Never lived there until about the last 8 years? A That's all.

Com'r Needles: Armstead Foster applies for the enrollment of himself; he avers that his name appears upon the authenticated roll of 1880 as Armstrong Foster;

Witness, ROBERT GLASS, re-called and further examined, BY COM'R NEEDLES: Q Did you ever know this man by any other name besides Armstead? A No sir.

(1880 authenticated roll of citizens of the Cherokee Nation examined and applicant found on page 107 #1204 Armstrong Foster, Cooweescoowee District, No age or nationality given; "Added by Revising Committee.")

Judgment cont'd: He avers that he has one child, Gertha; he avers that he has been married three times, the first time to a woman named Landrum, second Tobler and third Ludinda Vann; he avers that Tobler is the mother of this child, Gertrude; he avers that he was married to his first wife, Martha, by one Sam Webber, a minister, by whom he had no children; that he separated from Martha and never procured a legla divorce; afterwards he married said Louisa Tobler, who is now deceased, since he has married one Lucinda Vann, a Creek citizen; he avers that he now resides in the Creek Nation, having resided there for the last eight years; he makes no satisfactory proof to the effect that the Armstrong Foster whose name is found upon the authenticated roll is the identical person intended for the applicant; he avers and makes proof to the effect that he is a son of Randell Foster, whose name is found upon the authenticated roll of 1880; the name of his mother he does not know. No proof is made as to the citizenship of his mother, or as to the fact whether Randell Foster his was father, ever married to his mother; his child, Gertrude has been listed for enrollment on D card 496, was listed by its grandmother, Chlora Grayson; from the fact that the applicant is not duly identified upon the authenticated roll of 1880, although his name is found, and he is identified upon the Kern-Clifton pay roll; and the further fact that no divorce is proven as between his first wife, and his second wife, Louisa Tobler whom he avers is the mother of Gertrude, and the further fact of his residence in the Creek Nation, but principally because he is not fully identified as the legal child of Randell Foster, the said Armstead Foster will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting identification, and the further consideration of the Commission; he will be notified by mail of the action of the Commis-

sion when arrived at. And it is ordered that a copy of this testimony taken in the case of the application of Armstead Foster, on D 907, be made a part of the record in the matter of the application of Gertrude Grayson, who is enrolled on D 496, and a copy of the testimony in the matter of the application of Armstead Foster will be filed with D 496 of said Gertrude Grayson.

---***---

SUPPLEMENTAL, to judgment.

Applicant, ARMSTEAD FOSTER, re-called and further examined;

BY COM'R NEEDLES:

Q. Is this child's name Grayson? A No sir, its name is Foster.
Q Did Tobler ever go by the name of Grayson? A It was George Tobler's daughter.

Supplemental Judgement: COM'R NEEDLES: Applicant avers that the Gertrude Grayson who was listed for enrollment on D card 496 should be Gertrude Foster, tat she is his child. Armstead Foster's child by his wife, Louisa Tobler, and that Chlora Grayson is the grandmother of said child.

---****---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcriptof his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 11, 1901.

Commissioner.

D

7 N 907

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 27, 94

Post Office Tahlequah

District Cherokee Nation

1. Name Armistead Foster Age 39

Owner's name Citizenship

Year 1880 Page 102 No. 2499 District Coo

Parents:

Father Randall Foster Citizenship

Mother Elsie [illegible] Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. [illegible] Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Armistead

Application made by Stenographer

Cy. Apeil . . 117 1204 - Armstrong Foster-Coo

Ind. T.

X Mus D 496

DEPARTMENT OF THE IN[illegible],
COMMISSION TO THE FIVE CIVILIZED TRI[illegible]

FILED

NOV 21 1901

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October, 28th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 807.

APPEARANCES:
W. W. Hastings for the Cherokee Nation.
Melntire & Smith for the applicants:

DOUGLAS WALKER, having first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation:
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 60.
Q What is your post office? A Mound City, Kansas.
(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Martha Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister
Q Did you know Aaron Webber a little crick legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date up to date.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is [illegible] judgment as to the time Sam Webber, including Joe Ross, [illegible] and Aaron Webber left that country with their women folks and came to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move here at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Rose was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Fleming farm
Q When did your father buy that farm? A In the fall of '66,I have forgotten the exact day, in October or September.
Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Fleming owned it until my father bought it.
Q How do you know it was '63 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black,in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some came earlier , and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years—four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you know that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me. it was in '66,late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here—started away from there.
Q Who came then? A Sam Webber,the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so—I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '68? A Johnson Webber and the old man Sam made a crop in '68.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1868? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1868 that Sam Webber Jr. came to here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago,do you think that you remember the dates absolutely? A Not to the day or month exactly,but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and'7
he brought some hides and furs.
Q To refresh your memory,was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought these hides? A He left
and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned
first that you spoke of a while ago? A Yes sir, that was the one,
the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont
sai Q Do you remember of them leaving there to come to the Territory
to build some houses? A Yes sir.
Q Was that after the time that he brought the hides there? A It
was that trip that he left there for the purpose of building some
houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory
for the purpose of building houses? A Well but was wither in the
spring or winter, in the latter part of February or early in March
I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and
then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A
Father bought the place in the spring of '66 on condition at paid
$80 down,or traded cattle, as a forfeit, and in he fall he got some
money and got full possession of the place; Webber had possession
until the first of March, that is the Kansas law,from the first of
March one year until the first of March the next year; they had
possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter,you
had forgotten all about it practically hadn't you? A No sir,but
it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left
there could you? A I would have had to look atthe dates.
Q Then you are not testifying from your recollection,but from the
dates that you have looked up since? A Part of it is from recollection
and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left
that country before you made this investigation? A I was asked the
question as to when they moved and I hadn't given the matter any
thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about
the date? A I had not expected then to give testimony in this case
and had not thought much about it.
Q What were you doing here then? A I was subpoenaed on another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and
yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.

(By Hastings)

Q You were subpoenaed by the Cherokee Nation? A Yes sir.

(Continued by Stenographer J. O. Rosson)

Thos von Weise, being sworn states that as stenographer to the Commission to the Five Tribes,he reported in full the above cause and that the foregoing is a true and complete transcript of his steno-

graphs below thereto.

Subscribed and sworn to before me this 5th of November, 1901.

Commissioner.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.P. D-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rossen, and afterwards dictated by him to stenographer E.D.Green.)

HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post-office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there?(Pointing to the applicant.)A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66?A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well not it was the last of October ~~xxxx~~ or the first of November, I wont say which; along about in them times I moved, that is, my folks moved; ~~xxxx xxxx~~ of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it
BY MR. HASTINGS:
Q That is your best judgment? A Yes sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your notes? A Yes sir, that is one thing I have got you know.
Q Do you know Joe's sister, Chloe? A Yes sir, there was a girl there called Chloe, I supposed was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, the September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes sir.
Q You say you knew young Sam Webber, the younger one of the two?
A Yes sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr.? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man. I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1865 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back together back up there in

the fall.
Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come down I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man came back and got the family.
Q Do you have that they came back together? A Yes, I am pretty sure that they came back, I know I saw them there afterwards.
Q Do you remember of Sam Webber jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, and I think he told me he had his cabin built.
Q And now that final move when they took all the people out you think was in what time? A I don't know, but it runs in my mind as February or March; I wont say anything about that.
Q What year? A '67.
Q You say you wont say anything about that? A I don't know whether it was or was not.
Q You don't know whether it was or was not? A No sir, that is a fact; but it runs in my mind it was.
Q There was Sam Webber during the winter of 1865 and '66, the winter that commences with December, 1865 and ends with February 1866? A I think he was there.
Q Well did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You can't state it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You wont say that? A No sir.
Q Now can you remember about Sam Webber coming back in the up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; now I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in yourmind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '69, 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved, over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. HASTINGS:

Q Now you never missed them up there in 1865 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes sir.

ISAAC A. HICKS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q G'ive your name, Madam? A Mary A. Hicks isthe way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas?A Yes sir.

BY MR. HASTINGS:

Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7,1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23,1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Frank lin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was?A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady ,they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR.SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place? A Yes sir.
Q Well now what is your best recollection as to how long Mr.Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I know.
Q There was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes.? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive. I guess though it was in '66.
Q Wellabout how long was it ago ,your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides in to the community? A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March, couldn't be positive whether it was February or after Christmas, could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way.
Q Where did you move from to this place that you live? A Where did I move from?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '67.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You knew of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber. that one sitting there?
Q Yes.? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe Ross we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 48 years old.
Q What is your post-office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Dounglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there, one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I knew him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yessir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears ~~xxx~~ your best recollection as to the time old man Sam Webber left that country permanently with his family? A-
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together.
Q You are sure of that? A Yes sir.
Q Where was Aaron Webber, did he come back with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not, when they came after their claims.
Q Do you know when the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, ~~in these summer~~ either summer or fall.
Q Either summer or fall? A Yes sir, sometime along in the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No, I don't know whether he sold it or not, I think they fed it to their stock before they left..
Q Where was Sam Webber jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was living there close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts.
Q Now what makes you think it was in February or March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapper for the game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commence in December and ends in February, December, '66 and February of '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child death; they were there then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response.)
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea.
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the oldlady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes.? A I don't know as itwas, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about.? A This was drawn off from another Bible. think
Q You don't know that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR.SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A. HICKS, re-called for additional cross examination.
BY MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case.? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR.SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY MR.HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR.SMITH: I object to that; it is leading.
BY MR. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

Joe Rose [illegible] 10

given by [illegible] in Cherokee Freedmen Doubtful case 572, the same being the case of Jefferson [illegible], as filed in case Cherokee Freedmen D-388, of Joe Rose, and in Cherokee Freedman D-495, of Calvin Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of JOHN C.Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this November 16th,1901.

J.C. [illegible]

Notary Public.

Cherokee Freedmen D-907.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Armstead Foster as a Cherokee Freedman:

D E C I S I O N.

The record in this case shows that on June 27, 1901, Armstead Foster appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. The testimony taken in the case of Joe Ross, Cherokee Freedmen D 350, is filed with and made a part of the record herein.

The evidence shows that the applicant, Armstead Foster, is duly identified on the 1880 authenticated roll of the Cherokee Nation and that he has continuously resided in the Indian Territory since 1880.

It is, therefore, the opinion of this Commission that the said Armstead Foster should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 23 1904

1907

FILED
MAR 24 1902

ACTING CHAIRMAN

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Armstead Foster,
Inola, I. T.
CherokeeF-D-907
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-496 & D-907.

Muskogee, Indian Territory, October 17, 1903.

Armstead Foster,

Inola, Indian Territory.

Dear Sir:

In the matter of the applications for your enrollment and that of Gertrude Grayson (or Foster) as Cherokee freedmen, you are advised that before a decision can be prepared in these cases further testimony is required as to your 1880 enrollment, and as to the residence of Gertrude Grayson since birth.

You are therefore hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, November 18, 1903, and introduce testimony covering the points above mentioned.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

S-907.

Muskogee, Indian Territory, July 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 23, 1904, granting the application of Armstead Foster for enrollment as a Cherokee freedman.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail tomfile protest within the time allowed, this decision will be considered final.

Respectfully,

Encl. S-86.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D 907

Muskogee, Indian Territory, August 19, 1904.

Armstead Foster,

Inola, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the Commission's decision dated July 23, 1904, granting your application for enrollment as a Cherokee freedman.

Respectfully,

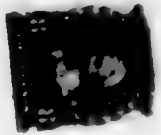
Tams Bixby.

Commissioner in Charge.
Chairman.

Encl. V-8

Register.

Department of the Interior.
Commissioner to the Five Civilized Tribes
MUSKOGEE, IND. TER.



Cher Fr 1377

See Cher Fr 1327, 1328, 1375, R250, D829

Cher Fr 1377

CHEROKEE

F1377

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 26th 1902.

In the matter of the application of Grant Wolff for the enrollment of himself, wife and five children as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Grant Wolff.
Q What is your age? A. 36.
Q What is your post office address? A Bellevure, I. T.
Q In what district do you live? A. Goweescoowee district.
Q Are you next to be enrolled as a Cherokee freedman? A. Yes sir.
Q How do you desire to have enrolled besides yourself? A. Myself, my wife and five children
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any roll? A. Yes sir the Stern Clifton and Wallace rolls.
Q What is the name of your wife? A. Polina.
Q How old is she? A. 32.
Q Is her name on the roll of 1880? A. Yes sir.
Q What is her fathers name? A Kirk.
Q What is her mothers name? A. Kilfie Kirk.
Q Is your wife a Cherokee freedman? A. Yes sir.
Q What are the names of your children? A Robert.
Q How old ? A 12 years old
Q Next? A. Lyla.
Q How old? A. 10 years.
Q Next? A. Jesse.
Q How old? A. 8 years.
Q Next? A. Charles.
Q How old? A. 5½ years.
Q Next? A. Minera.
Q How old? A. 4 months.
Q What is your fathers name? A. Jess Wolff.
Q Is he living? A. No sir.
Q Your mothers name? A Nancy.
Q Is she living? A. No sir.
Q Who do you claim your citizenship through? A. My father

The Stern Clifton roll examined and the applicants found as follows:
Page 166 No. 4162, Grant Wolff, Goweescoowee district.
Page 139 No. 3465, Polina Wolff "
Page 166 No. 4163, Robert Wolff "
Page 166 No. 4165 Lilly Wolff. "
Page 166 No. 4164, Jesse Wolff. "
"

Q Are you a brother of Jesse Whitmire? A. Yes sir.
Q Same father and same mother? A. Yes sr.
Q Were all these children born in the Cherokee Nation? A. Yes sir.
Q Are they all living here now? A. Yes sir.
Q Where were you born? A. On Mayer creek , Cherokee Nation
Q When were you married? A. In 90.
Q Were you ever married before? A. No sir.
Q Was your wife ever married before? A. No sir.
Q Is she the mother of all these children? A. Yes sir.
Q Was any boy former who named Kirk? A. Yes sir.
Q Name Kirk? A. Robert.
Q What was her maiden name? A. Sylvia, we called her Kilfie.

By Interpret, Cherokee representative-

Q Where do you live? A Bellevure Switch.

Jesse Whitmire, called and sworn as a witness for the applicant testified as follows-

By Com'r Needles-

Q What is your name? A. Becky Webber.
Q What is your age? A. About 44.
Q What is your post office address? A. Centralia.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q Do you know his wife? A. Yes sir.
Q What is her name ~~xxxxx~~ ? Felina, she is my sister.
Q What was her fathers name? A Robert Kirk.
Q What was her mothers name? A. Zilphia Holt.
Q Was Zilphia Holt a Cherokee freedman? A Yes sir.
Q A Slave? A. Yes sir.
Q Who did she belong to? A. Bill Holt.
Q Was he a Cherokee citizen? A. Yes sir, his wife was.
Q Where was this applicant's wife born? A. In the Cherokee Nation on Big Creek.
Q After the war? A. Yes sir.
Q Was her mother taken out of the Cherokee Nation during the war? A, Yes sir.
Q Where to? A. Fort Scott, Kansas.
Q When did she return here? A. In '66.
Q How do you know that? A. She came with Sam Webber
Q Did you come with her? A. Yes sir.
Q Is your name on the roll of 1880? A. I dont know.
Q Is her name? A. I dont know as it is.
Q Did Zolphia live in the Cherokee Nation until she died? A. Yes sir.
Q Felina is her child is she? A. Yes sir.

By Davenport-

Q Are you a recognized freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. I dont know.
Q Who did you come back here with after the war? A. Sam Webber
Q Did you testify in this case five years ago? A. Yes sir.
Q At that time didn't you testify that Sam Webber and Sanders were living on Big creek when you got there? A. No sir I didn't.
Q Wasn't Sam Webber living there when you came from Kansas? A. No sir'
Q Wasn't he living there when Zolphia Holt came back from Kansas? A. No sir.
Q How old were you when you came back here? A. 8 years old I guess.
Q Was this fellow's wife's mother go to the same place in Kansas that you did? A. Yes sir.
Q How old was she then? A. I dont know
Q Was she larger or smaller than you? A. Smaller.
Q Did she locate in the same place in the Nation that you did? A. Yes sir, in the same house with me.
Q His wife and you are sisters? A. Yes sir.
Q Where was John Brown living when you came to Big creek? A. I dont know.
Q You testified in '86 that he was living there didn't you? A. I dont recollect.
Q Was he, or was he not living there then? A. There wasn't any one living there when we came.

E.M Webber, called and sworn as a witness for the applicant-

By Sam'r Needles,

Q What is your name? A. Sam Webber.
Q What is your age? A. 58.
Q What is your post office address? A. Nowata.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A. Yes sir.
Q Do you know his wife? A. Yes sir.
Q What is her name? A. Pelina.
Q What was her fathers name? A. Bob Kirk.
Q What was her mothers name? A. Delphia Holt.
Q Was Bob Kirk a slave? A. No sir he was adopted
Q Was her mother a slave? A. Yes sir
Q Did she go by the name of Holt? A. Yes sir before she married.
Q Who did she belong to? A. I dont know.
Q How do you know that she was a slave then? A. She claims to have been
Q Was she taken out of the Cherokee Nation during the war? A. Yes sir
Q Where to? A. Fort Scott.
Q Do you know when she got back? A. In the fall of '65
Q Did she return with you? A. Yes sir, came in behind me.
Q Do you know that she came here in '65? A Yes sir in the fall.
Q Did she die there on Big creek? A. Yes sir.
Q You dont know who her owners were? A. No sir, she claimed they were the Holts.
Q Is Pelina her daughter? A. Yes sir.
Q And she is the wife of this applicant? A. Yes sir.

By Davenport-

Q You dont know anything about his wife's mother before the war? A. No sir.
Q You know that she came down here after the war and after you did and lived there until she died? A. Yes sir.

Dave French called and sworn as a witness for the applicant:

Q What is your name? A. Dave French.
Q What is your age? A. 72, little past, going on '73
Q Do you know this applicant? A. Yes sir
Q Do you know his wife? A. Yes sir.
Q What is her name? A. Pelina.
Q What was her mothers name? A. Delphia Holt.
Q Was she a slave? A. Yes sir
Q Who did she belong to? A. Bill Holt.
Q Was he a Cherokee citizen? A. Yes sir, a half breed.
Q Do you know where Delphia went during the war? A. I dont know where she went.

By Davenport-

Q When did Bill Holt live just before the war? A. At Webbers Falls.
Q Where did you know him before the war? A. In Flint, he used to live there.
Q Have you ever been to his house there? A. Yes sir.
Q Was Delphia there at that time? A. Yes sir.
Q How long was that before the war? A. I dont know.
Q Was it six months? A. Some years before the war.
Q Who else knew where Delphia went at the beginning and of the war? A.

A. At Robbers Falls.
Q. Do you know that of your own knowledge? A. No sir, just what she said.

Com'r Needles,

Grant Wolfe applies for himself, his wife Polina and five children, Robert, Lyla, Jesse, Charles, Elnora Wolfe; he cannot be identified on the roll of 1880 or the census roll of 1896; he is identified on the Kern Clifton roll; his wife is also identified on the Kern Clifton roll, as well as his three eldest children. He makes satisfactory proof as to residence. He avers that he is the brother of Jane Whitmire, who has been listed for enrollment as a Cherokee freedman on a doubtful card, No. 787, and the testimony taken therein will be made a part of the record in this case and a copy of same filed herewith. Reference is made to the testimony as to the citizenship of his wife. Consequently the said Grant Wolfe and his wife Polina and their five children as named herein will be listed for enrollment as Cherokee freedmen on a doubtful card. It will be necessary for him to file satisfactory proof as to the birth of the two youngest children, their names not being on any of the rolls of the Cherokee Nation in the possession of the Commission. The applicant will be notified by mail of the final decission of the Commission when the same is arrived at.

= = = = = = = = = =

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 8th of July, 1901.

Commissioner.

B

~~38829~~

Cher. Fa. 1377

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 24 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901

Post Office Eldorado I. T.

District Creek

1. Name Grant Wolfe Age 33

Owner's name Citizenship

Year K.B. Page 166 No. 4101 District Coo

Parents:

Father Joe Wolfe — dead Citizenship

Mother Nancy " — dead Citizenship

2. Name of wife Paulina Wolfe Age 32

Owner's name Citizenship

Year K.B. Page 139 No. 3465 District Coo

Parents:

Father Robt. Kirk Citizenship

Mother ~~Sophia~~ " Citizenship

Names of Children:

3. Robert Wolfe Year K.B. Page 166 No. 4102 Dist. Coo 12
4. Lucian " Year " Page 166 No. 4103 Dist. " 10
5. ~~Jesse~~ " Year " Page 166 No. 4104 Dist. " 8
6. Charlie " Year — Page — No. — Dist. — 3
7. Elmira " Year — Page — No. — Dist. — 4 mo
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Ptn. 1

Stenographer Chas. Mc Reese

1 Ptn K. Co. Indians. Grant Wolfe

2 " " " " " Paulina "

3 " " " " " Robert "

4 " " " " " Lucian "

5 " " " " " Jesse "

6 and 7 Birth affidavits required.

X 1284-A 777

3 XD829

to be filed with the case of Grant Wolfe C. T. D. # 829

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 21, 1901.

In the matter of the application of Dick Whitmire for the enrollment of himself, wife and 5 children as Cherokee Freedmen; he being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A. Dick Whitmire.
Q Richard Whitmire, I suppose? A I have always been signing it Dick.
Q How old are you? A. About 50.
Q What is your post office address? A. Lenapah.
Q What district do you live in ? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. My family.
Q How much family? A. Wife and 5 children.
Q What is the name of your wife? A. Jane Whitmire.
Q How old is Jane? A. About 36.
Q Give me the names of your children, those under 21 years of age and unmarried? A Joe, Joseph.
Q How old is Joseph? A. About 15.
Q Next one? A. About 13.
Q What is his name? A. Jess.
Q Next one? A Rosella
Q How old is Rosella? A. 10.
Q Next one? A. Dan.
Q How old is Daniel? A 8.
Q Next one? A. Sanford.
Q How old is Sanford? A. 18th of April he was 2 years old.
Q That all? A Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Is your wifes name on said roll? A. No sir.
Q What is your wife's father's name? A. Joe Wolf.
Q Is he living? A. No sir.
Q What is her mother's name? A. Nancy Wolf.
Q Is she living? A. No sir.
Q Your wife a slave? A. Descendant of a slave.
Q Semblance of one? A. Descendant of one.
Q Are these children all living at this time? A. Yes sir.
Q What testimony have you got of your wife's citizenship? A. Dave French, Daniel Vann, Frank Ross.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on page 199 # 3200, Dick Whitmire, Jr., Coowescoowee Dist., adopted colored;
1896 census roll of citizens of the Cherokee Nation examined and applicant identified on page 427 #743 Dick Whitmire Jr., Coowescoowee District. Note says : " Wife not on 1880 roll."

Q Did you draw Strip money for your wife? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and wife not found;
1896 census roll of citizens of the Cherokee Nation examined and wife not found;
Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified on:
page 427 #744 Jos Whitmire, Coowescoowee Dist.,
page 427 #745 Jesse Whitmire, Coowescoowee District;
page 427 #746 Rosella Whitmire, Coowescoowee District.
page 427 #747 Dan Whitmire, Coowescoowee District.

Kern-Clifton roll of citizen of the Cherokee Nation examined and applicant's wife found on page 166 #4098 Jane Whitmire, Coowescoowee district.

Q Were you ever married before you married Jane? A. No sir.
Q Jane married before she married you? A. No sir.
Q She is your first wife? A. Yes sir.
Q Her name was Wolf? A. Yes sir.
Q You claim citizenship for your wife through her mother or father or both? A. Through her father.
Q Well do you know anything about it? A. I don't know anything about it

DINAH VANN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A. Dinah Vann.
Q How old are you? A. 83.
Q What is your post office? A. Lenapah.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Do you know Jane Whitmire, wife of Dick Whitmire? A Yes sir, that's my niece.
Q What was her mother's name? A Joe Wolf.
Q What is her mother's name? A. Nancy.
Q Was Joe Wolf a slave? A. Yes sir.
Q Who did he belong to? A. Ibbie Wolf.
Q She a Cherokee citizen? A. Yes sir.
Q Was Nancy a slave? A. She was just working same as I was, working with my mistress, she ~~dinah~~ raised her.
Q Who was Nancy's mistress? A Mrs. Wolf, she was there with her.
Q Was Joseph and Nancy married when they were with her? A. Yes sir.
Q Did they go out of the Cherokee Nation during the war? A. Yes sir
Q Where did they go? A. Clode to Iola, Kansas.
Q When did they come back? A. '66.
Q Been living here ever since? A. Yes sir, until she died.
Q You are certain they came back in '66? A Yes sir, and I did too, I come right along with them.
Q Did they live together as man and wife? A. Yes sir.
Q Was Jane born while they were living together as man and wife? A Yes sir.
Q Were they living together before the war? A. Yes sir, boy never livad together before they were married.
Q When were they married? A Before the war.
Q Are they both dead? A. Yes sir.
Q Which died first? A Nancy.
Q Did they live together until Nancy died? A. Yes sir.
Q Did they have any other children besides Jane? A. Yes sir three, there is three more I believe.
Q Are they living? A. Yes sir.
Q You know their names? A. Yes sir.
Q Well give them to me? A. Katie.
Q Katie was a sister of Jane? A. A half sister.
Q Well the next one? A. Rockwell and Abb.
Q Was Rockwell a half sister of Jane? A. Yes sir.
Q And Abb, was he a half brother to Jane? A. Yes sir.
Q You say they were half-sisters, the same father? A They had one father.
Q Well Joe Wolf was married before he married Nancy? A. Yes sir his wife died.
Q And then he married Nancy? A. Yes sir.
Q And they lived together, he and these boys and Nancy, these last children, Katie is by the first wife and Sookey and Rockwell and Abb they are all by the first wife? A. Yes sir.
Q Now what did he have by Nancy? A. Jane and Delilah.
Q Any others? A There aint no more.

Q You are certain they came back in '66? A Yes sir, and I come with them.
Q Was Jane born when they came back? A. Yes sir.
Q They brought Jane back with them? A. Yes sir.
Q Where was Jane born? A. In Kansas, she was just a year old.
Q Did you come back in '66? A Yes sir.
Q Your name is on the roll of 1868? A Yes sir, I think so.
Q Joe Wolf and Nancy came back with you? A. Yes sir, we all come together.
Q Where did Joe and Nancy come to when they came back? A. Pryor's creek.
Q They lived there until they died? A. They moved up on Virdigris.
Q They lived in the Cherokee Nation until they died? A. Yes sir.

(By W. W. Hastings, Cherokee Rep've:)

Q What is your husband's name? A. Edmond Vann.
Q What part of Pryor creek did you come to? A. Right down here where the section house is now, on Pryor creek.
Q Where Pryor creek town is? A. Yes sir.
Q Sam Mayes living there at that time? A. Yes sir.
Q Tip Mayes living there? A. Yes sir, and I went to work for them, they was right there.
Q Where did Joe and Nancy Wolf locate? A. On Pryor's creek.
Q Did they build a house near you? A. Yes sir.
Q And lived right there? A. Yes sir.
Q How far from where you located? A. Right there, we just lived ' quarter of a mile apart.
Q And his name was Joe Wolf and his wife was Nancy? A. Yes sir.
Q What was your nearest Cherokee neighbors at that time? A. I couldn't tell you who all, but I can tell you some of them.
Q Well? A John B Grass lives over there, and this here Cochran, Jesse Cochrum, he lived over there.
Q Did Blue Rider live over there too? A. Yes sir.
Q There people you have mentioned will know when Joe and Nancy Wolf returned after the war? A. I don't know.
Q Now about how long did Jane's parents live there on Pryor creek before they moved from there? A. Well indeed I don't know how long they lived, they lived until they died, up here on Verdigris.
Q I mean how long did they live on Pryor Creek before they moved off of Pryor Creek? A They lived near three years I think.
Q Where did you live before the war? A. In Flint.
Q You belonged to Nancy Timberlake? A. Yes sir, first mistress was Nancy Timberlake, and second was Mary Nave.
Q Joe and Nancy Wolf didn't come right along in the same crowd that you came did they? A Yes sir, we all came back together.
Q Did you testify that before the Kern Clifton Commission, that you all came back together? A. I dont know if I was asked, I never did deny, if I didn't test it I didn't think about it.
Q Didn't you say then that they came back about the time you did? A Brother Joe?
Q Yes? A We all come along together.
Q How long before the war was it you saw Joe? A. Well I guess it must have been two or three years, I don't know which.
Q He was living way up here on the Neutral LandA Yes sir.
Q And you was living in Flint? A. Yes sir.
Q That was 75 or a hundred miles apart wasn't it? A Yes sir.
Q Where was Joe's wife Nancy before the war? A. With him when he married her.
Q Made you ever seen her before the war? A. I never saw her until then.
Q Until after the war or before? A. Just before the war.
Q How long before the war? A I couldn't tell you how long, but it seemed like it was that summer I saw her.

Did you see Joe that summer? A. Yes sir.
I thought you said just how it was two or three years before the war? A. I thought you said here.
Were you up on the Neutral lands before the war? A. Went there on a visit.
Came down with you? A. She came down and I went home with her.
Did you testify before the Kern Clifton Commission that you saw Joe up there before the war? A. If I did I don't remember.
Don't remember that? A. No sir.
About how long before the war was Joe disposed of out of your family? A I'd think there about 10 or 15 years I guess, the old lady died.
Joe put up a house down here on Pryor creek did he? A. Yes sir. He all had houses.

DAVE FRENCH, being sworn and examined by Com'r Needles, testified as follows:

What is your name? A. Dave French.
How old are you? A. 78 past.
What is your post office? A. Lenapah.
Are you a Cherokee freedman? A. Yes sir.
You know Dick Shoemake the applicant? A. Yes sir.
You know his wife, Jane? A. Yes sir.
How long have you known Jane? A. Ever since she was a suckling child.
What was her father's name? A. Joe Wolf.
What was her mother's name? A. Nancy.
Who did they belong to? A. They belonged to a woman, [illegible] belonged to a woman named Ibbie Wolf.
You knew them before the war? A. Yes sir.
Did they go out of the Cherokee Nation during the war? A. [illegible]
Where to? A. Went up in Kansas.
Joe and Nancy both? A. Yes sir
When did they return from Kansas? A. They returned in the spring of 65.
How do you know that? A. I know it.
Did you return with them? A. Yes sir, I was with them.
When they returned? A. Yes sir.
Where did they come to? A. Come to Pryor Creek.
Did they bring a child Jane with them? A. Yes sir.
You know whether Jane and Dick were ever married [illegible]
How do you know that? A. I know it.They have [illegible]
You didn't see the marriage? A. No sir, I wasn't [illegible]
They have been living there as man and wife? A. [illegible]
since their marriage.
How many children have they got? A. I don't know [illegible]
have got four or five.
You know that Jane returned with her father and mother in [illegible]
this city.
Came home with you? A. Yes sir.
You came back in '65? A Yes sir.

(By W. Hastings)

Where did you live when the war come up? A. On the Neutral [illegible]
Where were you living? A In Flint.
How far was that from the neutral land? A I don't know.
You never moved out there? A. No sir.
How often did you go up there? A. No sir, I know when he [illegible]
How long before the war did he go up there? A I [illegible]
Didn't he go up there as much as 10 years before the war [illegible]

(By Com'r Needles)

Do you ever remember having seen him after that? A. I [illegible]
What was his wife's name? A. Nancy.
Did you know her before the war? A. No sir.
Do you know whether or after the war? A. I could [illegible]
Were they married before or after the war? A. [illegible]
he got his wife after he went up on the neutral land.

hey until time of the war.
Q Well then it was about 10 years before the war that you have any distinct recollection of knowing him? A. I don't know just how long before the war I did see him, me and him belonged to the same people; after he moved up there on the neutral land I don't know whether I saw him or not, I don't know.
Q What time you have any distinct recollection of seeing him was in Kansas? A. In Kansas.
Q You didn't go up on the Neutral land before the war? A. I never did, I lived in Flint, Joe belonged to the old woman and I belonged to her daughter.
Q At what town did you find him in Kansas? A. I don't know exactly, but I think I found him on Deer Creek, a ur about Iola, fisrt place I saw him.
Q Was he there when you started ? A Yes sir.
Q You all come down together? A. Yes sir.
Q You located on Pryor Creek? A. I didn't, he did.
Q Some where near where Pryor Creek station is now? A. I believe it was there near some place close.

FRANK ROSS, being sworn and examined by Com't Needles, testified as follows:

Q What is your name? A. Frank Ross.
Q How old are you? A. 53 past.
Q What is your post office? A. Hayden.
Q You are a recognized Freedman Cherokee? A. Yes sir.
Q Do you know Dick Whitmire, the applicant? A Yes sir.
Q You know his wife, Jane? A. Yes sir.
Q How long have you known Jane? A. Ever since she come here a little childm ever since '66.
Q Did you know her father? A. Yes sir.
Q What was his name? A. Joe Wolf.
Q What was her mother's name? A. Nancy Wolf
Q Was Joe Wolf a slave? A I suppose he was I didn't know him before the war.
Q Did you know Nancy before the war? A. No sir
Q Where did you first get acquainted with Joe Wolf and Nancy? A. On Pryor's Creek, where they lived.
Q That after the war? A. Yes sir.
Q When did you first see Joe and Nancy Wolf after the war? A. In April, '66.
Q Where? A. On Pryor's creek, where they lived.
Q Did you see Jane there? A. She was a baby then, small child.
Q They were living there? A Yes sir, she growed up there.
Q Did you go to Kansas during the war? A. No sir, I went to the army.
Q When were you mustered out? A. '65.
Q You remained in the Cherokee Nation then ever since '65? A No I was mustered out at Leavenworth and come back to the Cherokee Nation.
Q When did you come back to the Cherokee Nation? A. March, '66 .
Q And the following April you saw Joe and Nancy? A. Yes sir.
Q But you never was acquainted with them before that? A. No sir.
Q Did you know them from that time until Joe died? A. Yes sir.
(By Mr. Hastings)
Q Who did they come down there with? A. With a man named Armstead and Joe Wolf and Sol and uncle Floyd, Floyd Foreman.
Q How far did they locate from you on Pryor Creek? A About 2 miles I guess.
Q Above or below you? A. Above me.
Q What was your father's name? A. Billey Ross.
Q And your mother Sarah? A. No.
Q What was her name? A. Jackie.
Q Whose house was you living in at that time? A I was living in Tom Rider's house then, he didn't live right on Pryor's Creek.

Q Where [illegible] they went after they came down? A. They did
[illegible] they went into camp.
Q [illegible] A They built a house up on the creek
[illegible]
Q [illegible] living there at that time? A Miss Rider didn't come
back then.
Q [illegible] there at that time? A Yes sir, her
[illegible] was living there with her.
Q How far were they living down there at that time? A. They was
living about a quarter of a mile from Uncle Joe's I guess.
Q Did they have a house? A They built them a house after they came
there.
Q Sam and Pip Mayes living down there then? A. They didn't come in
they didn't come [illegible]
Q Was [illegible]
Q How far did he live [illegible] old Tom Rider place? A. About a mile,
down on the river; it's about 6 or 7 miles from Pryor,s creek station
now; they lived about a mile and a quarter I guess.
Q How far did John Mayes live from where these Wolfs located? A. He
lived down on the river below the old, right on the Clem Vann place,
about 10 miles from there.
Q Was there any Cherokees living on Pryor creek at that time? A Old
Ike Glass was living there.
Q He is dead? A. Yes sir. And Bill Sandy.
Q He is dead? A. Yes sir.
Q When did Miss Rider come back there? A In the fall of '66.
Q Joe and Nancy Wolf was living there when he came back? A Yes sir.

APPLEGATE, Dick Whitmire, re-called and further examined
By Com'r Needles:

Q What proof have you got of your marriage to Jane? A. I have got
witnesses here.
Q Who? A. Grant Wolf.

GRANT WOLF, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A. Grant Wolf.
Q How old are you? A. 35.
Q Are you a Cherokee Freedman? A. Yes sir.
Q You know Dick Whitmire? A. Yes sir.
Q You know his wife? A. Yes sir.
Q What is her name? A. Jane Whitmire.
Q You know whether they were married or not? A. Yes sir.
Q How do you know? A. I was there when they was married.
Q You saw them married? A. Yes sir.
Q Who married them? A. Preacher Sanders.
Q Where? A. On Cedar creek.
Q You were at the wedding? A. Yes sir.
Q Sanders alive? A. [illegible] sir.
Q Have you known them [illegible] since that? A. Yes sir.
Q They always lived together as man and wife since that? A. Yes sir
Q Have they got any children? A. Yes sir.
Q How many? A. 8 I believe.
Q What relation are you to Jane? A. I am her brother.

[illegible] Dick Whitmire applies for the enrollment of
himself, his [illegible] and 8 children, to-wit: Joseph, Jeff,
[illegible]; the applicant himself is identified
[illegible] roll of 1880 as well as the census
roll of [illegible] Jane, cannot be identified upon the
[illegible] roll of 1880 [illegible] the census roll of 1896; but is
identified upon the [illegible] roll; suggestion is made
that Jane Whitmire [illegible] a child of Joseph and Nancy Wolf; that

[redacted] Joseph Wolf was a [redacted] and married to his wife Nancy; they had [redacted] children, [redacted] of [redacted] among the living and [redacted] dead, [redacted] living, and [redacted] in the [redacted] land, [redacted] was [redacted] the marriage of [redacted] [redacted] [redacted]

F1029

DEPA[illegible]
COMMISSION TO THE FIVE [illegible]
FILED
2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of [illegible]

for enrollment as Cherokee Freedmen.

Case No. F. D. [illegible]

To Grant Wolf Delaware [illegible].

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible].

N. B. Hackney JR

D. D. Davenport

Attorneys for the Cherokee Nation.

NA 10829

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 30 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Freedmen of the Cherokee Nation.

No. _____.

File with Grant Wolfe C. P. D. 639

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. P. D. #639.

Appearances:
James S. Davenport for the Cherokee Nation
Mallette & Smith for the [illegible] applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-
(By Davenport)
Q What is your name? A T. F. Thompson.
Q Where do you live? A 3 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66, in October
Q Did this applicant go with your family? A He never was with us during the war.
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river, 12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir.
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at hat time? A On Big Creek, he told me.
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war -- to your house? A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my faher's house and staid a day or two with my father.
(By Smith)
Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '66.
Q You came to what place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 13 years old.

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one of two sessions at Pea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had then been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he mighthave heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Comr T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 26 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here——thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him ? A Yes sir.
Q Did he afterwards make a place there? A Yes sir'
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71'
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

Q You don't know where this man Daniel Thompson was in 1870? A No I dont know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You dont know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You don't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You dont know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.
Q Where do you live? A On Big creek. , Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long, I think he moved in there on Big creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.
Q Did he have a place there when he came down? A Yes sir.
Q How far from you? A Two and a half miles.
Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.
Q Did he have his family with him? A Yes sir.
Q Children? A Wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved in from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not exactly that day after that he told me that he had been a slave of Jerry Thompson and that he was going to see him.

(By Same)

Q When did you first come to the Cherokee Nation after the war? A In '64.
Q Were you in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think it was in '62.
Q In what? A '62.
Q Were you discharged before the war closed? A No sir.
Q But you think it was in '62 that you were discharged? A I believe it was.
Q In '62 maybe. A Somewhere along there.
Q Somewhere in '61 or '2? A Yes sir.
Q You testified here Saturday last in the Josh Vann case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '65 from

the army? A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.
Q I am not asking you when you were discharged, I am asking you what you said then ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced, I dont recollect it.
Q You were not discharged from the army until the war was over were you? A No sir, I was discharged twice, the last time thewar was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q And you are certain you were discharged from the army after the war was over? A Yes sir.
Q And you got here in '66? A Yes sir.
Q Now how did you do that? I went from Louisville, Kentucky where I was discharged to Iowa, and from Iowa to Kansas and from Kansas here.
Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.
Q You dont know how long he had been here before that? A No sir.
Q You dont know when he came ~~no sir~~? A No sir, except when he came to Big Creek.
(By Davenport)
Q You dont know when the war began? A No sir.
Q Nor when it closed? A No sir.
Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes sir.
(By Smith)
Q Where did you go after you were discharged? A Iowa.
Q Where did you go then? A Kansas.
Q Where did you stop in Kansas? A Neosho ~~FALLS~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Gage in Chetopa? I dont remember, I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
Q Don't you know? A I know I wasn't arrested there.
Q Have you ever been arrested at all? A Yes sir.
Q Where? A In the Cherokee Nation.
Q What for ? A Cattle stealing.
(By Davenport)
Q What became of that case? A It was taken to Fort Smith and went before the Grand Jury and they didn't find any bill against me.
(By Smith)
Q Are you a citizen of the Cherokee Nation? A Yes sir.

= = = = = = = = =

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-608, and also in C. F. D. cases D-623 and D-625 and their subreferences.

* * * * * * * * *

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic note herein.

Chas von Weise

Subscribed and sworn to before me this 17th of October, 1901 .

Commissioner.

Grant Wolfe C. F. D. 697

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 28th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. 697

SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certifice from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith : The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction inregard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

= = = =

Grant Wolfe C. F. D. 837

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants.

By Mr. Hastings: I desire to file a certifice from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith : The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction inregard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

= = = =

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT }

In the matter of the application of Grant Wolf for enrollment as a Cherokee Freedman.

No. I. D. 829.

Henry Pack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D. 1901, he registered to Grant Wolf whose postoffice is Delaware, Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson, Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Grant Wolf, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Stark
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by McMlette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 492, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Gracie Wolf, D 829;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the rights of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be sustained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those cases within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

FILED
OCT 1 1 1968
COMMISSION

C.T.D-829.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GRANT WOLFE, ET AL., as Cherokee Freedmen.

Appearances:
W W. Hastings and L. B. Bell, Attorneys for Cherokee Nation

GRANT WOLFE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Grant Wolfe.
Q How old are you? A I am thirty-six years old.
Q What is your post office address? A Delaware, Indian Territory.
Q Are you the same Grant Wolfe that made application to the Commission for enrollment as a Cherokee freedman? A Yes sir.
Q Were you born since the close of the war? A Yes sir.
Q Where were you born? A On Pryor Creek, Indian Territory.
Q What Nation? A Cherokee nation.
Q Where have you been living since you were born? A I was born on Pryor Creek, and myfather moved up on the Verdigris, and I livedthere until I was grown and married.
Q Have you ever been out of the Cherokee Nation since you were born
A No sir, never have been.
Q You have lived in the Cherokee Nation, then, all your life?
A Yes sir.
Q When did you marry your wife, Pauline? A I married her in 1888.
Q Have you been living with her ever since you were married?
A Yes sir.
Q What are the names of your children? A Robert, Delilah, [redacted], Jesse, Charlie and Elnora.
Q This Lilah, is that her correct name? A Delilah. Some calls her Lilah, her name is Delilah.
Q It begins with a "D", does it? A Yes sir.
Q Have those children lived in the Cherokee Nation all their lives?
A Yessir.
Q Who do you claim through, your father or your mother?
A My father.
Q Was your mother a state woman, a non-citizen?
A I don,t know what she was.
Q You claim through your father, Joe Wolfe? A Yes sir.

Wm. Hutchinson, being first duly sworn, statesthat as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Wm. Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Chas. D. Haven
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Whitmire, and others, as Cherokee Freedmen, consolidating the applications of

Jane Whitmire,.....Cherokee Freedmen D 797
Grant Wolfe, et al.,..... " " D 880.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Dick Whitmire for his wife, Jane Whitmire, among others; the other parties to this application being differently classified, are not embraced in this decision; and by Grant Wolfe for himself, his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe. Copies of the testimony taken in the case of Daniel Thompson, Cherokee Freedmen D 606, are filed herewith and made a part of the record herein.

The evidence shows that all the applicants herein, except Paulina Wolfe, are the descendants of Joe Wolfe, deceased, and that all such descendants were born since the commencement of the rebellion.

It further appears that said Joe Wolfe was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion, but returned thereto in the spring of 1866, and was residing therein in the fall of 1866.

The evidence further shows that Paulina Wolfe was born since 1866 and is a daughter of Sylvia or Zilphia Kirk, deceased, and has no right to enrollment except such as she may have acquired through the said Zilphia Kirk; that Zilphia Kirk was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion and returned to the Cherokee Nation with Becky Webber. The Commission has found in the latter's case (Cherokee Freedmen D 883) that she did not return to the Cherokee Nation within the time specified, in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Freedmen to said Nation.

The evidence further shows that Jane Whitmire has resided in the Cherokee Nation continuously for twenty-five years immediately preceding the date of her application herein; and that Grant Wolfe and his said minor children have resided in said Nation all their lives.

It is, therefore, the opinion of this Commission that Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe, Charlie Wolfe and Elnora Wolfe should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 496); and it is further the opinion of this Commission that the application for the enrollment of Pauline Wolfe as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Chairman.

T. B. Needles
Commissioner.

C. D. Breckinridge
Commissioner.

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,

this MAR 5 1900

DEPARTMENT OF THE INTERIOR

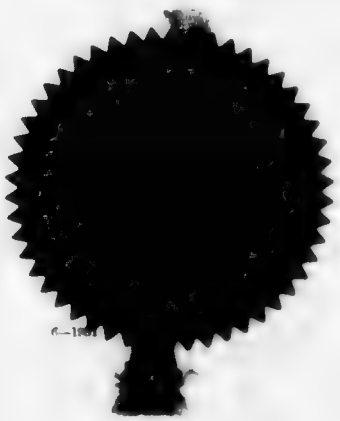
OFFICE OF INDIAN AFFAIRS

RECEIVED
SUPT. & CORR. TRIBES
OCT 30 1916
ENCLOSURE TO
DEPT. No. 7086

WASHINGTON, Sept 7 1916, 191

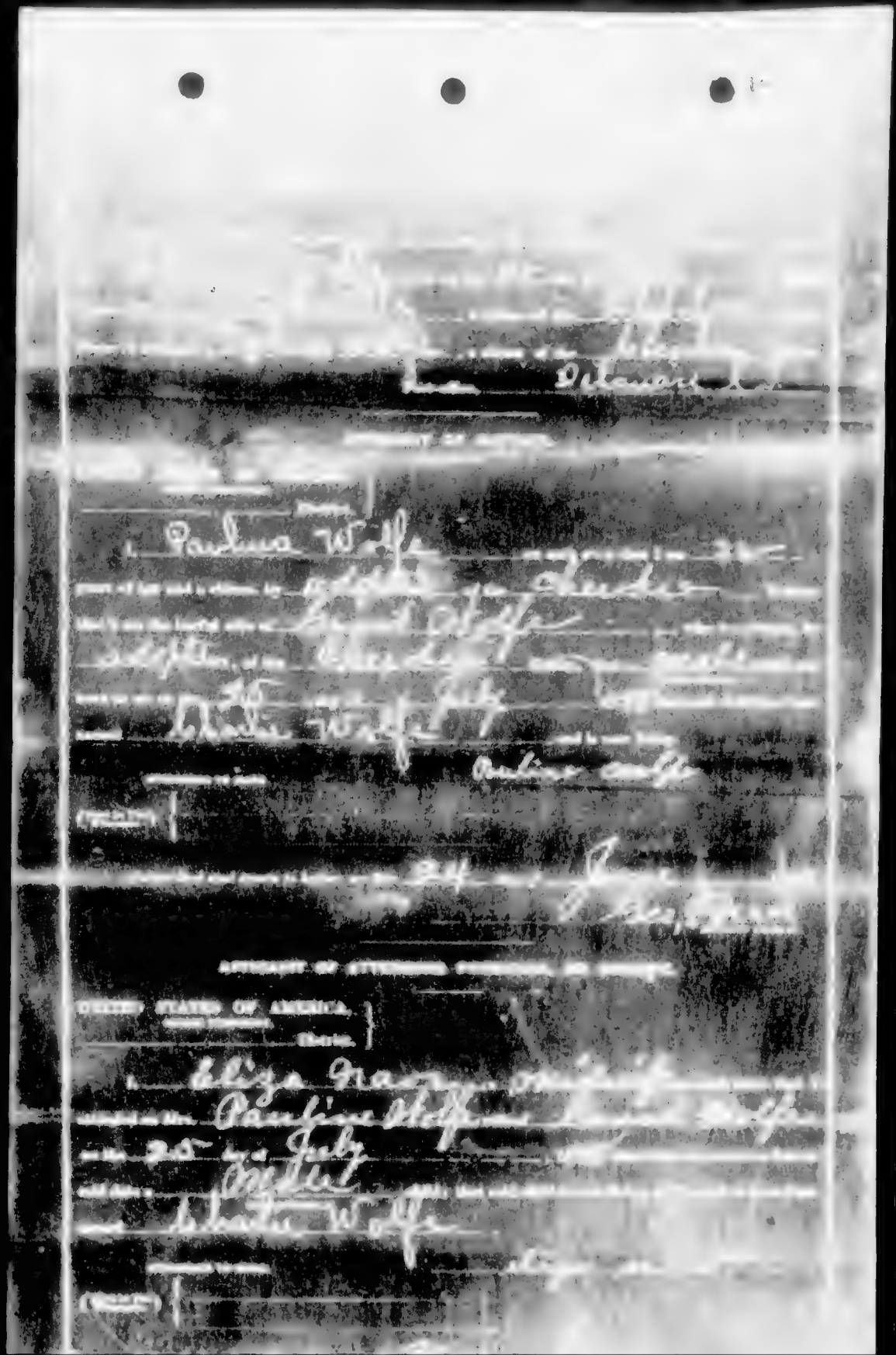
I, E. B. Meritt, Assistant, Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true copies of the originals as the same appear on file in this Office.

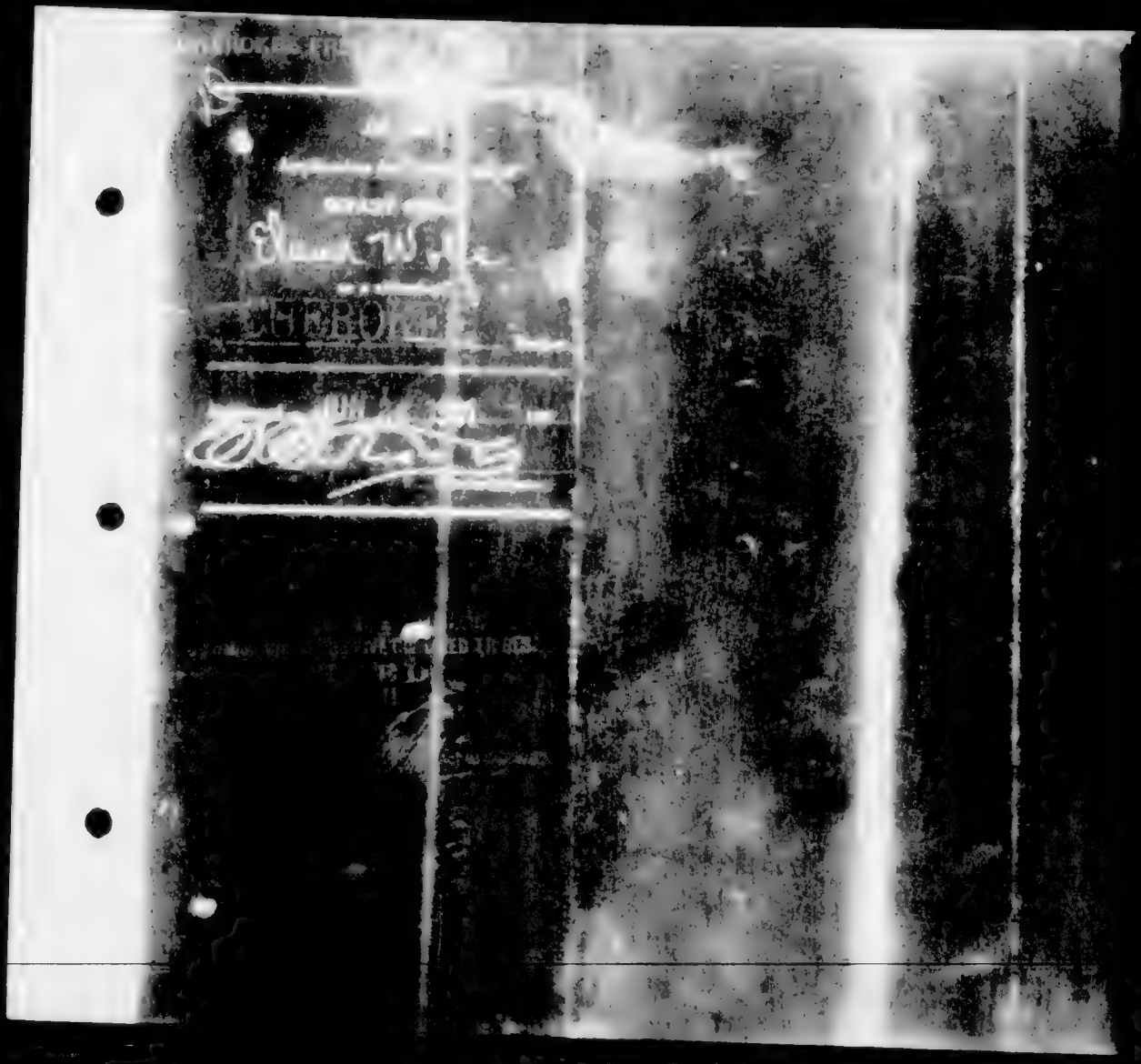
IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed, on the day and year first above written.



Assistant Commissioner.







Pauline Wolfe

Elmer Wolfe

AFFIDAVIT OF ATTORNEY

UNITED STATES OF AMERICA,

Pauline Wolfe

Elmer Wolfe

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee Freedmen
D-839.

Muskogee, Indian Territory, September 9, 1905.

Grant Wolfe,

Delaware, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children as Cherokee Freedmen, you are hereby advised that further testimony is required as to ~~the~~ residence of yourself and family in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1905, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-329.

Muskogee, Indian Territory, September 9, 1903.

Edgar Smith,

Attorney for Grant Wolfe, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Grant Wolfe, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to the residence of himself and family in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-797 et al.

Muskogee, Indian Territory, March 26, 1904.

W .W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Jane Whitmire et al., granting the applications for the enrollment of Jane Whitmire, Grant, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting the application for the enrollment of Paulina Wolfe, as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-2.

Commissioner in Charge.

Cherokee Freedmen
D-829.

Muskogee, Indian Territory, April 21, 1904.

Edgar Smith,

Attorney for Grant Wolfe et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Grant Wolfe et al., granting the application of Grant Wolfe for the enrollment of himself and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting his application for the enrollment of his wife, Paulina Wolfe, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-28.

Cherokee Freedmen
D 829

Muskogee, Indian Territory, April 21, 1904.

Grant Wolfe,

Delaware, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting your application for the enrollment of your wife, Paulina Wolfe, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed for the same.

Respectfully,

Chairman.

Enc. D-27.

Register.

COPY.

Cherokee Freedmen
D-849 & D-797.

Muskogee, Indian Territory, April 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Grant Wolfe et al., including the Commission's decision dated March 5, 1904, granting the applications for the enrollment of Grant, Robert, Lilah, Jesse, Charlie and Elnora Wolfe and Jane Whitmire, and rejecting the application for the enrollment of Paulina Wolfe, as Cherokee freedmen.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-29.

Refer in reply to the following:
Land.
27911-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 21, 1904, transmitting the record of the applications for enrollment as Cherokee freedmen, of Dick Whitmire for himself and his wife, Jane Whitmire, and Grant Wolfe for himself and his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

March 5, 1904, the Commission decided that Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe, Charlie Wolfe and Elnora Wolfe should be enrolled as Cherokee freedman, and that the application of Paulina Wolf as a Cherokee freedman should be denied. The claim of Dick Whitmire being ignored.

The record shows that the principal applicant was a slave at the beginning of the war of the rebellion, of a Cherokee citizen; was taken out of the Cherokee Nation during the war and returned and established a residence therein prior to February 11, 1867. All of the other applicants are shown to

be the descendants of slaves of Cherokee citizens at the beginning of the war of the rebellion, and who were taken out of the Cherokee Nation during the war and returned to the Cherokee Nation prior to February 11, 1867.

There has been some testimony filed from the record of the application of Daniel Thompson et al, C.F.D. No. 606, but I fail to discover any application to this case.

There is also filed a certificate from the case of Abraham Ward C.F.D. No.607, showing the assessment of Peter Ward for one female dog. This also appears to be without application to the case at bar.

It further appears that Pauline Wolfe was born in 1866, and is the child of a slave of a Cherokee citizen at the beginning of the war of the rebellion; that said slave was taken out of the Nation and returned to the Nation prior to February 11, 1867.

In view of the record the approval of the decision of the Commission favorable to Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe and Elnora Wolfe is recommended and that its decision unfavorable to Pauline Wolfe be reversed and her name enrolled as a Cherokee freedman.

Very respectfully,

T. C. Tonner,

Acting Commissioner.

M.M.M.
W.

D.C. 27573-1904. (COPY) J.P.

DEPARTMENT OF THE INTERIOR,

I.T.D. 6054-1904. WASHINGTON. July 29, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 5, 1904, you rendered your decision in the consolidated Cherokee freedman case of Jane Whitmire (D-797), and Grant Wolfe, et al (D-829), holding that Jane Whitmire and Grant Wolfe and his children, Robert, Lilah, Jesse, Charlie and Minora Wolfe, are entitled to enrollment, and that Paulina Wolfe, wife of Grant Wolfe, is not entitled.

July 26, 1904, the Acting Commissioner of Indian Affairs submitted the case.

You stated that the applicants Dick Whitmire, and children, had been differently classified, and it appears from the papers in the case that they have been enrolled as Cherokee freedmen. The Indian Office is therefore in error in the statement that the claim of Dick Whitmire has been ignored by you.

The Acting Commissioner recommends that your decision, so far as it is in favor of the applicants, be concurred in. In this the Department concurs, and your decision, to that extent, is hereby affirmed.

The Acting Commissioner further recommends the reversal of your decision as to Paulina Wolfe, as he finds from the testimony that she is the child of a slave of a Cherokee citizen, and returned to the Cherokee Nation from Kansas prior to February 11, 1867.

In rejecting the application for the enrollment of this applicant, you stated that she was born in 1866, and is the daughter of Kilphia Kirk, and had no right to enrollment except such as she may have acquired through said Kirk; that said Kirk was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion and returned to the Cherokee Nation with Becky Webber. You held that as the Commission had found, in the Becky Webber case (D-853), that she did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896, in the case of Whitmire vs. the Cherokee Nation, et al, Paulina Wolfe was not entitled to enrollment, under section 21 of the act of June 28, 1898(30 Stat.,495).

The papers in the case under consideration have been returned to the Indian Office with the request that further consideration be given it as to Paulina Wolfe, in connection with the Becky Webber case, and also that consideration be given the rights, if any, of Paulina Wolfe as an intermarried Cherokee freedman.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully, (Signed) Thos Ryan
Acting Secretary .

1 inclosure.

Cherokee Freedmen,
D-797, 829.

Muskogee, Indian Territory, August 11, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Grant Wolfe, et al., granting the application for the enrollment of Jane Whitmire and Grant, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting the application for the enrollment of Paulina Wolfe, as Cherokee Freedmen, was affirmed by the Secretary of the Interior as to all except Paulina Wolfe, on July 29, 1904.

You are further advised that the Department's letter states that the record in this case has been again referred to the Commissioner of Indian Affairs for further consideration as to the rights of Paulina Wolfe.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen,
D-829.

Muskogee, Indian Territory, August 11, 1904.

Edgar Smith,

Attorney for Grant Wolfe,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting, among others, the application of Grant Wolfe for the enrollment of himself and his five minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting his application for the enrollment of his wife, Paulina Wolfe, as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except the said wife, on July 29, 1904.

You are further advised that the Department's letter states that the record in this case has been again referred to the Commissioner of Indian Affairs for further consideration as to the rights of Paulina Wolfe.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen,
D-829.

Muskogee, Indian Territory, August 11, 1904.

Grant Wolfe,

Delaware, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting, among others, your application for the enrollment of yourself and your five minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting your application for the enrollment of your wife, Paulina Wolfe, as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except your said wife, on July 29, 1904.

You are further advised that the Department's letter states that the record in this case has been again referred to the Commissioner of Indian Affairs for further consideration as to the rights of Paulina Wolfe.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
1377

Muskogee, Indian Territory, October 8, 1904.

Grant Wolfe,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 5, asking to be advised as to why you are not allowed to file for yourself and your minor children, Robert, Lilah, Jesse, Charley and Elnora Wolfe, at this time.

In reply you are advised that the names of yourself and your said minor children have not yet been placed upon a final schedule of Cherokee freedmen to be forwarded to the Secretary of the Interior for his approval. You are further advised that such action will probably be taken in the near future.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land
51417-1904.

WASHINGTON, March 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated July 29, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen by Jane Whitmire for herself, and by Grant Wolf for himself, his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

March 5, 1904, the Commission decided adversely to Paulina Wolfe and favorably to all the other applicants.

The record shows that all of the applicants except Paulina Wolfe, are descendants of Joe Wolfe, deceased, and that all were born since the beginning of the war of the rebellion. It further appears that Joe Wolfe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, but returned thereto on or before February 11, 1867.

The record further shows that Paulina Wolfe was born since 1866 and is a daughter of Sylvia or Zilphia Kirk, deceased, and has no right to enrollment except as a descendant of Zilphia Kirk; that Zilphia Kirk was the slave of a Cherokee citizen at the beginning of the war of the rebellion;

that she was taken out of the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867.

The record further shows that Jane Whitmire has resided in the Cherokee Nation for twenty five years preceding her application and that Grant Wolfe and his minor children have resided therein all their lives.

In view of the record the approval of the Commission's decision adversely to Paulina Wolfe and favorably to all of the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

Cherokee Freedmen
D-829, 1377, 1378

Muskogee, Indian Territory, July 3, 1906

Grant Wolfe,

Delaware, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of June 22, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting the application for the enrollment of your wife, Paulina Wolfe, as a Cherokee freedman, and denying a motion for review of your case filed by your attorneys September 7, 1905.

Respectfully,

L M B

Commissi ner

Cherokee Freedmen
D 829, 1377-1378

Muskogee, Indian Territory, July 3, 1906

Blue and Bulger,

Attorneys for Paulina Wolfe.

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of June 22, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting the application for the enrollment of Paulina Wolfe as a Cherokee freedman, and denying a motion for review of said case filed by you September 7, 1905.

The Departmental decision as to Paulina Wolfe also affirms the decision of the Commission dated March 5, 1905, granting the application for the enrollment of Jane Whitmire and Grant Wolfe et al. This action of the Department is erroneous as that part of the Commission's decision of March 5, 1904, favorable to the applicants, was affirmed by the Department on July 29, 1904.

For your information a copy of Departmental letter referred to is herewith enclosed.

Respectfully,

Commissioner

Encl. B-99
L M R

Cherokee Freedmen
D 829, 1377-1378

Muskogee, Indian Territory, July 3, 1906

Bell , Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of June 22, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting the application for the enrollment of Paulina Wolfe as a Cherokee freedman, and denying a motion for review of said case filed by the attorneys for the applicants on September 7, 1905.

The Departmental decision as to Paulina Wolfe also affirms the decision of the Commission dated March 5, 1905, granting the application for the enrollment of Jane Whitmire and Grant Wolfe et al. This action of the Department is erroneous as that part of the Commission's decision of March 5, 1904, favorable to the applicants, was affirmed by the Department on July 29, 1904.

For your information a copy of Departmental letter referred to is herewith enclosed.

Respectfully,

Encl. B 99 1/2

Commissioner

J.S.Jr.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

D.C.26612.

I.T.D.3300-1905. June 22, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 21, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for enrollment as Cherokee freedmen by Jane Whitmire for herself, and by Grant Wolf for himself, his wife, Paulina Wolf, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

Reporting March 30, 1905, the Indian Office recommended that the decision of the Commission, favorable to all the applicants, except Paulina Wolf, be approved. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The decision of the Commission to the Five Civilized Tribes dated March 5, 1904, favorable to all the applicants except Paulina Wolf, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

LAND OFFICE
AJG/EJE 10-17-16

Requests certified copies
birth affidavits Charlie
and Elmore Wolfe.

October 17, 1916.

The Honorable,

The Commissioner of Indian Affairs.

Dear Mr. Commissioner:

It appears from the records of this office in connection with the application for enrollment of Charlie and Elmora Wolfe, whose names appear upon the approved rolls of Cherokee Freedmen opposite No. 3771 and 3772, respectively, that on April 21, 1904, there were forwarded to your office with other papers in this case birth affidavits giving the exact date of birth of these two persons.

I am now in receipt of an order for certified copies of these affidavits and I have to respectfully request that your office forward me certified photographic copies thereof in order that I will be able to fill the order above referred to.

Sincerely yours,

Superintendent for the Five
Civilized Tribes.

REGISTRY RECEIPT.

Post Office at

Registered ~~Letter~~ Parcel

Cher Fr 1378

See Cher Fr 1060, 1327, 1328, 1377, 1378, D 829, R 250

Cher Fr 1378

DOUBTFUL as to wife, JANE.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21,1901.

In the matter of the application of Dick Whitmire for the enrollment of himself, wife and 5 children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name?A DickWhitmire.
Q Richard Whitmire, I suppose? A I have always been signing it Dick.
Q How old are you? A About 50.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My family.
Q How much family? A Wife and 5 children.
Q What is the name of your wife? A Jane Whitmire.
Q How old is Jane?A About 36.
Q Give me the names of your children, those under 21 years of age and unmarried?A Joe ~~Whitmire~~ Joseph.
Q How old is Joseph? A About 15.
Q Next one? A About 13.
Q What is his name? A Jeff.
Q Next one? A Rosella.
Q How old is Rosella? A 10.
Q Next one? A Dan.
Q How old is Daniel? A 8.
Q Next one? A Sanford.
Q How old is Sanford? A 18th of April he was 2 years old.
Q That all? A Yes sir.
Q Is your name on the roll of 1880?A Yes sir.
Q Is your wife's name on said roll? A No sir.
Q What is your wife's father's name? A Joe Wolf.
Q Is he living?A No sir.
Q What is her mother's name?A Nancy Wolf.
Q Is she living?A No sir.
Q Your wife a slave? A Descendant of a slave.
Q Semblance of one? A Descendant of one.
Q Are these children all living at this time? A Yes sir.
Q What testimony have you got of your wife's citizenship?
A Dave French, Daniel Vann, Frank Ross.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified on page 199 #3200 Dick Whitmire, Jr., Coowescoowee Dist, adopted colored;
1896 census roll of citizens of the Cherokee nation examined and applicant identified on page 427 #2743 Dick Whitmire, jr., Coowescoowee District. Note says: Wife not on 1880 roll."

Q Did you draw Strip money for your wife?A Yes sir.

1880 authenticated roll of citizens of the Cherokee nation examined and wife not found;
1896 census roll of citizens of the Cherokee nation examined and wife not found;
Kern-Clift tenpay roll of citizens of the Cherokee nation examined and applicant's wife found on page 168 #2008 Jane Whitmire, Coowescoowee District;
1896 census roll of citizens of the Cherokee nation examined and applicant identified on page 427 #2743 Joe Whitmire, Coowescoowee Dist;
page 427 #2743 Jane Whitmire, Coowescoowee District;

page 427 #744 Rosella Whitmire, Cooweescoowee District;
page 427 #747 Dan Whitmire, Cooweescoowee District.

Q Were you ever married before you married Jane? A No sir.
Q Jane married before she married you? A No sir.
Q You are her first husband? A Yes sir.
Q She is your first wife? A Yes sir.
Q Her name was Wolf? A Yes sir.
Q You claim citizenship for your wife through her mother or father or both? A Through her father.
Q Well do you know anything about it? A I don't know anything about it.

DINAH VANN, being sworn and examined by com'r Needles, testified as follows:

Q What is your name? A Dinah Vann.
Q How old are you? A 53.
Q What is your post-office? A Lenapah.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Do you know Jane Whitmire, wife of Dick Whitmire? A Yes sir, that's my niece.
Q What was her father's name? A Joe Wolf.
Q What is her mother's name? A Nancy.
Q Was Joe Wolf a slave? A Yes sir.
Q Who did he belong to? A Bobbie Wolf.
Q Was he a Cherokee citizen? A Yes sir.
Q Was Nancy a slave? A She was just working for them as I was, working with my mistress, she raised her.
Q Who was Nancy's mistress? A Mrs. Wolf, she was there with her.
Q Was Joseph and Nancy married when they were with her? A Yes sir.
Q Did they go out of the Cherokee Nation during the war? A Yes sir.
Q Where did they go? A Close to Iola, Kansas.
Q When did they come back? A '66.
Q Been living here ever since? A Yes sir, until she died.
Q You are sure they came back in '66? A Yes sir, and I did too, I came right along with them.
Q Did they live together as man and wife? A Yes sir.
Q Was Jane born while they were living together as man and wife? A Yes sir.
Q Were they living together before the war? A Yes sir, they never lived together before they were married.
Q When were they married? A Before the war.
Q Are they both dead? A Yes sir.
Q Which died first? A Nancy.
Q Did they live together until Nancy died? A Yes sir.
Q Did they have any other children besides Jane? A Yes sir there is three more I believe.
Q Are they living? A Yes sir.
Q You know their names? A Yes sir.
Q Will give them to me? A Katie.
Q Katie was a sister of Jane's? A Half sister.
Q Well the next one? A Rockwell and Abb.
Q Was Rockwell a half-brother to Jane? A Yes sir.
Q And Abb, was he half-brother to Jane? A Yes sir.
Q You say they were half-sisters the same father? A They had one father.
Q Well Joe Wolf was anybody here he married Nancy? A Yes sir, his wife died.
Q And then married Nancy? A Yes sir.

Q And they lived together, he and these boys by Nancy, these last children, Katie by the first wife and Sookey and Rockwell all Ahh they are all by the first wife? A Yes sir.
Q You say Jane was born by Nancy? A Jane and William.
Q Any others? A There aint no more.
Q You are certain they came back in '66? A Yes sir, and I came with them.
Q Was Jane born when they came back? A Yes sir.
Q They brought Jane back with them? A Yes sir.
Q Where was Jane born? A In Kansas, she was just a year old.
Q And you came back in '66? A Yes sir.
Q Your name is on the roll of 1880? A Yes sir, I think so.
Q Joe Wolf and Nancy came back with you? A Yes sir, they all came together.
Q Where did Joe and Nancy go when they came back? A Pryor's Creek.
Q They lived there until they died? They moved up on Caddoria.
Q They lived in the Cherokee Nation until they died? A Yes sir.

W.W.MARTIN, Court Reporter;

Q What is your husband's name? A Richard Vann.
Q What part of Pryor Creek did you come to? A Right here where the ... house is now, on Pryor Creek.
Q Where Pryor Creek town is? A Yes sir.
Q Several Negroes living there at that time? A Yes sir.
Q Tell where living there? A Yes sir, ... went to work for them, they were at that there.
Q Where did Joe and Nancy Wolf live? A On Pryor's Creek.
Q Did they build a house near you? A Yes sir.
Q And lived right there? A Yes sir.
Q How far from where you located? A Right here, we just lived a quarter of a mile apart.
Q And his name was Joe Wolf and his wife was Nancy? A Yes sir.
Q What was your nearest Cherokee neighbors at that time? A I couldn't tell you that, but I can tell ... some of them.
Q Well? A John Vann lived over there, and this one Cochrum, Jesse Cochrum, he lived over there.
Q Did Blue Rider live over there too? A He lived above us.
Q How far above you? A I reckon in near town from 4 or 5 miles.
Q Did Webb Vann live over there too? A Yes sir.
Q Those people ... have mentioned will know Joe ... Nancy Wolf married after he went? A I don't know.
Q How about how old was June when you came back? A ... was going on 2 years old.
Q Now about how long did Joe's parents live there on Pryor Creek before they moved from there? A Well indeed I don't know how long they lived, they lived until they died, up there on Caddoria.
Q About how long did they live on Pryor Creek before they moved off of Pryor Creek? A They lived near there ... years.
Q Where did they live before the war? A In Kansas.
Q You belonged to Nancy Vann's ... A Yes sir, first ... was Nancy Vann's ... and second was Nancy Vann.
Q Joe and Nancy Wolf didn't come back with you in the same crowd that you came did they? A Yes sir, we all came back together.
Q Did you testify there before the Dawes-Clinton Commission, that you all came back together? A I don't know if I was asked, I never did deny, if I didn't test it I didn't think about it.
Q Didn't you say then that they came back about the time you did? A Joe?
Q Yes? A We all came along together.
Q How long before the war was it you saw Joe? A Well I guess it must have been two or three years, I don't know which.

Q He was living way up here on the Neutral Land? A Yes sir.
Q And you was living in Flint? A Yes sir.
Q That was 75 or a hundred miles from apart wasn't it?A Yes sir.
Q Where was Joe's wife Nancy before the war? A With him whenhe married her.
Q Had you ever seen her before the war?A I never saw her until [illegible] then.
Q Until after the war or before? A Just before the war.
Q How long before the war, A I couldn't tellyou. how long, but it seemed like it was that summer I saw her.
Q Did you see Joe that summer? A Yes sir.
Q I thought you said just now it was two or three years before the war?A I thought you said down here.
Q Were you up on the neutral lands for the war? A Went on a visit
Q Who went with you? A She came down and I went home with her.
Q Didn't you testify before the Hom-Clifton Commission that you saw Joe Wolf about 10 years before the war? A If I did I don't remember.
Q Don't remember that? A No sir.
Q About how long before the war was Joe disposed of out of your family? A It must have been near 10 or 15 years I guess, the old lady died.
Q Joe put up a house down there onPryor Creek didn't he? A Yes sir, we all had houses.

DAVE FRENCH, being sworn and examined by Dell Hoodless, testified as follows:

Q What is your name? A Dave French.
Q How old are you? A 72 past.
Q What is your post-office? A Zero.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know Dick Waitmire the applicant A Yes sir.
Q You know his wife, Jane? A Yes sir.
Q How long have you known Jane? A Ever since she was a sucking child
Q What was her father's name? A Joe Wolf.
Q What was her mother's name? A Nancy.
Q Who did they belong to? A They belonged to a woman, JoeWolf belonged to a woman named Ibbie Wolf.
Q You knew them before the war? A Yes sir.
Q Did they go out of the Cherokee nation during the war? A Yes sir
Q Where to? A Went up in Kansas.
Q Joe and Nancy both?A Yes sir.
Q When did they return from Kansas? A They returned in the spring of '66.
Q How do you know that? A I know it.
Q Did you return with them? A Yes sir, I was with them.
Q When they returned? A Yes sir.
Q Where did they come to? A Come to Pryor Creek.
Q Did they bring a child, Jane with them? A Yes sir.
Q You know Dick Waitmire and Jane were ever married or not? A Yes sir.
Q How do you know that? A I know it.
They live in the piles of me now.
Q You didn't see the marriage? A No sir, I wasn't at the wedding.
Q They have been living there as man and wife? A Yes sir, ever since their marriage.
Q How many children have they got?A I don't know exactly, they have got four or five.
Q You know that Jane returned with her father and mother in '66? A Yes sir.
Q Came back with you? A Yes sir.

Q You came back in '66? A Yes sir.
BY MR. HASTINGS:
Q Where did Joe Wolf live when the war came up? A On the neutral land.
Q Where were you living? A In Flint.
Q How far was that from the neutral land? A I don't know.
Q You never lived out there? A No sir.
Q You never saw Joe up there? A No sir, I know when he went up there.
Q How long before the war did he go up there? A I don't know exactly.
Q Didn't he go up there as much as 10 years before the war? A He may have,
Q Do you ever remember having seen him after that? A I don't recollect.
Q What was his wife's name? A Nancy.
Q Did you know her before the war? A No sir.
Q Were they married before or after the war? A I couldn't tell you; he got his wife after he went up on the neutral land. I never see her until time of the war.
Q Well then it was about 10 years before the war that you have any distinct recollection of knowing him? A I don't know just how long before the war I did see him, he and him belonged to the same people; after he moved up on the neutral land I don't know whether I saw him or not, I don't know.
Q Next time you have any distinct recollection of seeing him was in Kansas? A In Kansas.
Q You didn't go up on the Neutral land before the war? A I never did, I lived in Flint. Joe belonged to the old woman and I belonged to her daughter.
Q At what town did you find him in Kansas? A I don't know exactly, but I think I found him on Deer Creek, up about Iola, first place I saw him.
Q Was he there when you started? A Yes sir.
Q You all came down together? A Yes sir.
Q You located on Pryor Creek? A I didn't, he did.
Q Somewhere near where Pryor Creek station is now? A I believe it was there near some place close.

FRANK ROSS, being sworn and examined by Col'r Hoodless, testified as follows:

Q What is your name? A Frank Ross.
Q How old are you? A 53 past.
Q What is your post office? A Hayden.
Q You are a recognized Freedman Cherokee, A Yes sir.
Q You know Dick Whitmire, the applicant, A Yes sir.
Q You know his wife, Jane? A Yes sir.
Q How long have you known Jane? A Ever since she came here a little child, ever since '66.
Q Did you know her father? A Yes sir.
Q What was his name? A Joe Wolf.
Q What was her mother's name? A Nancy Wolf.
Q Was Joe Wolf a slave? A I suppose he was, I didn't know him before the war.
Q Did you know Nandy before the war? A No sir.
Q Where did you first get acquainted with Joe Wolf and Nancy? A On Pryorks Creek, where they lived.
Q That after the war? A Yes sir.
Q When did you first see Joe and Nancy Wolf after the war? A In April, '66.
Q Where? A On Pryor's Creek, where they lived.
Q Did you see Jane there? A She was a baby then, small child,
Q They were living

Q They were living there?A Yes sir she growed up there.
Q Did you go to Kansas during the war? A No sir, I went to the army.
Q When were you mustered out? A '65.
Q You remained in the Cherokee Nation then ever since '65? A No I was mustered out at Leavenworth and come back to the Cherokee Nation.
Q When did you come back to the Cherokee Nation? A March, '66.
Q And the following April you saw Joe and Nancy? A Yes sir.
Q But you never was acquainted with them before that? A No sir.
Q Did you know them from that time until Joe died? A Yes sir.
BY M. HASTINGS:
Q Who did they come down there with?A With a man named Armstead, and Joe Wolf and Sol and Uncle Floyd, Floyd Foreman.
Q How far did they locate from whexx you on Pryor Creek? A About 2 miles I guess.
Q xxxxxAbove or below you?A Above me.
Q What was your father's name? A Billy Rose.
Q And your mother Sarah? A No.
Q What was her name? A Judie.
Q Whose house was you living in at that time? A I was living in Tom Rider's house then, he didn't live right there on Pryor's Creek.
Q Whose house did they move into when they come down? A They did not move into no house until they built one, they went into camp.
Q Did they build a house near you? A They built a house up on the Creek there.
Q Was Blue Rider living there at that time?A Blue Rider didn't come back then.
QWas Aunt Dinah Vann living there at that time? A Yes sir, her husband's name was Armstead; he was living there with her.
Q How far were they living from there at that time? A They was living about a quarter of a mile from Uncle Joe's I guess.
Q Did they have a house? A They built them a house after they come there.
Q Sam and Tip Vann was living down there then? A They didn't come in xxxxthey didn't come until that fall.
Q Was John Grass living there? A Yes sir.
Q How far did he live from the old Tom Rider place? A About a mile, down on the river; it's about 6 or 7 miles from Pryor's Creek station now; they lived about a mile and a quarter I guess.
Q How far did John Grass live from where these Wolfs located? A He lived down on the river below the old, right on the Glen Vann place, about 10 miles from there.
Q Was there any Cherokees living on Pryor Creek at that time?
A Olk Ike Glass was living there.
Q He is dead? A Yes sir.
And Bill Sunday.
Q He is dead? A Yes sir.
Q When did Blue Rider come back there? A In the fall of '66.
Q Joe and xxxxNancy Wolf was living there when he come back?
A Yes sir.

APPLICANT, DICK WAITMIRE, re-called and further examined
By Com'r Needles:
Q What proof have you got of your marriage to Jane? A I have got witnesses here.
Q Who? A Grant Wolf.

GRANT WOLF, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name?A Grant Wolf.

Dick Whitmire et al ?

Q How old are you? A 33.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know Dick Whitmire? A Yes sir.
Q You know his wife? A Yes sir.
Q What is her name? A Jane Whitmire.
Q You know whether they were married or not? A Yes sir.
Q How do you know? A I was there when they was married.
Q You saw them married? A Yes sir.
Q Who married them? A Preacher Sanders.
Q Where? A On Cedar Creek.
Q You were at the wedding? A Yes sir.
Q Sanders alive? A Yes sir.
Q Have you known them ever since that? A Yes sir.
Q They always lived together as man and wife since that? A Yes sir.
Q Have they got any children? A Yes sir.
Q How many? A 5 I believe.
Q What relation are you to Jane? A I am her brother.

Com'r Needles: Dick Whitmire applies for the enrollment of himself, his wife Jane, and 5 children, to-wit: Joseph, Jeff., Rosella, Daniel and Sanford; the applicant himself is identified upon the authenticated roll of 1880 as well as the census roll of 1880; his wife, Jane, cannot be identified upon the authenticated roll of 1880 or the census roll of 1880; but is identified upon the Kern-Clifton pay roll; averment is made that Jane Whitmire is a child of Joseph and Nancy Wolf; that Joseph Wolf was a slave, and married to his wife Nancy; they left the Cherokee nation during the war between the North and the South, and went to the state of Kansas, and returned in the year 1866; satisfactory proof is made as to the marriage of said Dick Whitmire to his wife, Jane; the names of his four oldest children, to-wit: Joseph, Jeff., Rosella and Daniel are identified upon the census roll of 1896; the name of his ~~wife~~ youngest child, Sanford, is not identified upon the rolls, and it will be necessary for him to make satisfactory proof of birth; they make satisfactory proof as to residence, consequently, Dick Whitmire, and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen; his wife Jane will be listed for enrollment as a Cherokee Freedman a doubtful card, awaiting the further action of the Commission; she will be notified by mail at the present post office address of the action of the Commission in her case.

I D. Green, ~~stenographer~~ first duly sworn, ~~upon his oath~~ says that he is the person to whom the Commission to the Five Civilized Tribes ~~appointed~~ to report the testimony and proceedings in the case of Dick Whitmire, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

I D Green

Subscribed and sworn to before me this 2nd day of June, 1900.

Commissioner.

78747

FILED
JUN 27 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 21 1901

Post Office Lenapah I. T.

District Coo

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Jane Whitmire Age 36

Owner's name Citizenship

Year 1896, Page 66 No. 4195 District Coo

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10 Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Dick Whitmire Husband Stenographer W. C. Green

AFFIDAVIT.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY,) ss
NORTHERN DISTRICT)

In the matter of the application of Jane Whitmire for enrollment as a Cherokee Freedman.

No. F. D. 797

[illegible], of lawful age, being duly sworn on oath states that on the 21st day of September, A. D. 1901, he registered to Jane Whitmire whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Jane Whitmire showing that he had received said notice.

[illegible]

Subscribed and sworn to before me on this the 28th day of [illegible] A. D. 1901.

[illegible]
Notary Public.

30793

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
2 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Jane Wilmore
for enrollment as Cherokee Freedmen
Case No. F D 727

To Jane Wilmore Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 10 1901 at 9 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

W. W. Hastings
D. C. Dawson
Attorneys for the Cherokee Nation.

File with Jane Whitmire C. P. D. 7??.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 19, 1901.

TESTIMONY in the matter of the application of Daniel Thompson et al, C. P. D. 7???.

Appearances:
James B. Davenport for the Cherokee Nation
Mollette A Smith for the ??? applicant.

T. F. Thompson, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Davenport)

Q What is your name? A T. F. Thompson.
Q Where do you live? A 3 miles south of Vinita.
Q What is your age? A 54.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant in this case, Daniel Thompson? A Yes sir
Q Did you know him before the war? A Yes sir.
Q Do you know where he went during the war? A I think he went north to Kansas.
Q Where did your family go during the war? A To Red River.
Q Choctaw Nation? A Chickasaw Nation.
Q When did you return to this country? A In the fall of '66,in October
Q Did this applicant go with your family? A He never was with us during the war
Q When your family returned to the Cherokee Nation where did they locate? A On Grand river,12 or 15 miles east of here.
Q How far from where they had originally lived? A Same place.
Q Was the applicant there when you returned? A No sir.
Q When did you first see the applicant after the war? A Here in Vinita,I can't tell exactly the time.
Q With reference to the time the railroad was here when was it? A The Katy was here I think.
Q About what year was it? A As well as I remember it was in '71 or '2.
Q Had the applicant prior to that time ever lived on your place on Grand river? A No sir
Q Had you any conversation with him in regard to where he lived or when he came back? A No sir.
Q Where was he living at that time? A On Big Creek,he told me
Q Did he say then that he had been living on Grand river at the old place? A No sir.
Q You had always lived on the old place since your return? A Yes sir
Q Same place you lived on prior to the breaking out of the war? A Yes sir.
Q Had the applicant been there after the war --to your house: A Not that I know of.
Q You saw him here in Vinita for the first time after the war? A Yes sir.
Q Did he come to your house at that time? A He came to my faher's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.
Q Is he a Cherokee? A Yes sir.
Q By blood? A Yes sir.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Did he own Daniel Thompson before the war? A Yes sir.
Q Was Daniel Thompson with your father when the war commenced? A Yes sir.
Q What time did you get back here after the war? A October, '66.
Q You came to what place? A Our old place.
Q How far from where Vinita is now? A 12 or 15 miles.
Q How old were you then? A 15 years old.

Q Just a boy? A Yes sir.
Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Pea Ridge, Arkansas.
Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.
Q All you know is that the first time you saw him was in '71? A Yes sir.
Q You dont know how long he had then been in the Cherokee Nation? A No sir.
Q You dont know where he was during the war? A No sir.
(By Davenport)
Q When were you at school? A In '67, in the fall.
Q You was at home then from '66 to the fall of '67? A Yes sir.
Q You never saw the applicant there then? A No sir.
Q Never heard of him being there did you?
BY MR. SMITH: I object to him stating what he mighthave heard.
(By Smith of witness)
Q All you know is that you never saw this applicant until in '71 or '2? A Yes sir.
Q Before that time you don't know where he was? A No sir.

DAVID STINGER, being first duly sworn by Comr T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Davenport)
Q What is your name? A David Stinger.
Q Where do you live? A On Big Creek, Cherokee Nation.
Q How old are you? A 60.
Q How long have you lived in the neighborhood of Big creek in the Cherokee Nation? A About 36 years.
Q Do you know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Since '72.
Q Where did you first see him? A I saw him in the Territory on the east prong of Big Creek.
Q What was he doing when you saw him? A Just commenced making a farm there.
Q Did you have a conversation with him then? A Yes sir.
Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here——thought he would come back home as he called it.
Q Did he have a family with him then? A Yes sir.
Q What year was that? A I think in '72.
Q What improvements had he made then? A Nothing, he was just in a wagon there.
Q Did he say when he had gone to Kansas? A No, I dont know anything about that.
Q Was anything else said about his having been in the Cherokee Nation before that? A I dont think there was.
Q How many children did he have there? A Two.
Q What were their names? A Sandy and Mandy.
Q Were they both with him? A Yes sir.
Q Did he afterwards make a place there? A Yes sir'
Q Where has he been living since? A Right there all the time.
Q What year was this you say he came there? A '72.
(By Smith)
Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes sir.
Q How long had you been there in '72? A I came there in '71'
Q Where from? A Peoria, Illinois.
Q Had you ever been in the Cherokee Nation prior to '71? A No sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.
Q You dont know where he was in '69? A No sir.
Q Or in '68? A No sir.
Q Or in '67? A No sir.
Q Or in '66? A No sir.
Q Or in '65? A No sir.
Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
Q You won't know whether he had been here before that or not? No sir he said he was owned here before the war.
Q You don't know when he first came here after the war? A No sir, only that time.
Q He might have been here before that and you not know it? A I wasn't here before the time I state and can't tell nothing about except when I was here.

(By Davenport)

Q Was he living there when you came there in '71? A No sir.
Q He said he came from Kansas when you saw him there? A Yes sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NOBLE, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A William Noble.
Q Where do you live? A On Big creek. , Indian Territory.
Q Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation, Mr. Noble? A I think I came to the Cherokee Nation in the summer of '64.
Q How long have you lived on Big Creek? A Ever since the fall of '64 I came there then or in the spring of '65.
Q You know the applicant here, Daniel Thompson? A Yes sir.
Q How long have you known him? A Good many years, I cant say exactly how long but I think he moved in there on Big creek right close to where I live. He came from Kansas there in the fall of '72, and he has lived there ever since.
Q You saw him there when he came down? A Yes sir.
Q How far do you live? A Two and a half miles.
Q Did you see him when he came down there? A He was building a house, he had moved in there and commenced farming.
Q You talked freely with him? A Yes sir.
Q He had a wife and three children.
Q Did you have any conversation with him ? A Yes sir, he told me he just moved from Kansas.
Q Did he tell you that he was a slave here before the war? A Yes sir, not at that time but after that he told me that he had been a slave of Joe [illegible] and that he was going to see him.
Q When did you come to the Cherokee Nation afer the war? A In '64
Q You were in the army? A Yes sir.
Q When were you discharged from the army? A I was discharged, I think in the fall of '68.
Q You were not discharged before the war closed? A No sir.
Q But you say it was in '68 that you were discharged? A I believe it was
Q In '61 you were somewhere along there.
Q Somewhere along there? A Yes sir.
Q You belonged to the last in the Josh Vann case didn't you? A Yes sir.
Q Didn't you say then that you were discharged in the year '65 from

[illegible] A I dont think I did, I think I said I didn't know exactly.
Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes sir.
Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.
Q I am not asking you when you were discharged, I am asking you what you said then ? A I don't think I did.
Q When did the war close, what year? A I think it was in '61, wasn't it?
Q When did it commence? A You are just a little ahead of me when it commenced. I dont recollect it.
Q You were not disch rged from the army until the war was over were you? A No sir,I was discharged twice, the last time thewar was over.
Q What did they discharged you for the first time? A Three years service.
Q Then you went back the second time? A Yes sir.
Q How long did you stay then? A Two years .
Q How long did that war last? A Five years, wasn't it?
Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
Q What year did you get here? A In the spring of '66.
Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes sir.
Q [illegible] certain you were discharged from the army after the [illegible] Yes sir
[illegible] you got here in '66? A Yes sir.
Q [illegible] that? I went from Louisville,Kentucky where I was discharged to Iowa and from Iowa to Kansas and from Kansas here.
Q [illegible] anything about this applicant do you? A Only [illegible] that I had some trading with him in '72.
[illegible] any long he had been here before that? A No sir.
[illegible] came ~~no more~~? A No sir, except when he [illegible]
[illegible]
[illegible] the war began? A No sir
[illegible] closed? A No sir.
[illegible] Stinger come to your place before Daniel Thompson come [illegible]? A Yes sir
[illegible]
Q [illegible] after you were discharged? A Iowa.
Q [illegible] go them? A Kansas.
Q [illegible] did you stop in Kansas? A Neosho ~~Falls~~ River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
Q Did you have any trouble up at Chetopa? A No sir.
Q Were you never arrested in Kansas? A No sir.
Q Do you remember a man named Gage in Chetopa? A dont remember,I am not acquainted with him.
Q Didn't you have any trouble with him and get arrested? A No sir.
Q Didn't he have you arrested? A I dont think so.
[illegible] I know I wasn't arrested there.
[illegible] been arrested at all? A Yes sir.
Q [illegible]? A [illegible] Cherokee Nation.
Q What [illegible] Cattle stealing.
[illegible]
[illegible] case? A It was taken to Fort Smith and went [illegible] and they didn't find any bill against me.
[illegible]
Q [illegible] the Cherokee Nation? A Yes sir.

= = = = = = = = = =

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-623 and D-693 and their subreferences.

= = = = = = = = =

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 17th of October, 1901.

Commissioner.

[illegible]

[illegible]

[illegible]

Jane Whitmire, C. F. D, 797

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #807
SUPPLEMENTAL TESTIMONY

APPEARANCES:
W. F. Hastings for the Cherokee Nation.
Mallette & Smith for the applicants

By Mr. Hastings: I desire to file a certified from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction inregard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

= = = =

C.F.D-797.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of JANE WHITMIRE as a Cherokee Freedman.

Appearances:
W.W.Hastings and L.B.Bell for the Cherokee Nation.

DICK WHITMIRE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Dick Whitmire.
Q Is Jane Whitmire your wife? A Yes sir.
Q Is she the same Jane Whitmire who applied for enrollment as a Cherokee freedman? A Yes sir.
Q How long have you known her? A Known her about 25 years, I guess
Q You got acquainted with her after the war? A Yes sir.
Q How long after the war? A When I used to live on Grand River, I guess, about twenty-five years. I am not able to keep dates, I aint got no education.
Q What is your postoffice address now? A Lenapah.
Q Where was Jane Whitmire living when you first knew her?
A Pryor Creek.
Q In what Nation? A Cooweescoowee District?
Q In the Cherokee Nation? A Yes sir.
Q Where has she lived since that time? A After she left Pryor Creek she has been up here on the Verdigris ever since that time.
Q Has she ever been outside the CherokeeNation to live?
A Never have. I have been married eighteen years, and she has never been anywheres.
Q Have you and she lived togeter in the Cherokee Nation ever since you were married? A Yes sir, never have been out.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notesthereof.

Wm. Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Chas. H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jane Whitmire, and others, as Cherokee Freedmen, consolidating the applications of

Jane Whitmire,.....Cherokee Freedmen D 797
Grant Wolfe, et al.,..... " " D 829.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Dick Whitmire for his wife, Jane Whitmire, among others; the other parties to this application being differently classified, are not embraced in this decision; and by Grant Wolfe for himself, his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe. Copies of the testimony taken in the case of Daniel Thompson, Cherokee Freedmen D 606, are filed herewith and made a part of the record herein.

The evidence shows that all the applicants herein, except Paulina Wolfe, are the descendants of Joe Wolfe, deceased, and that all such descendants were born since the commencement of the rebellion.

It further appears that said Joe Wolfe was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion, but returned thereto in the spring of 1866, and was residing therein in the fall of 1866.

The evidence further shows that Paulina Wolfe was born since 1866 and is a daughter of Sylvia or Zilphia Kirk, deceased, and has no right to enrollment except such as she may have acquired through the said Zilphia Kirk; that Zilphia Kirk was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion and returned to the Cherokee Nation with Becky Webber. The Commission has found in the latter's case (Cherokee Freedmen D 853) that she did not return to the Cherokee Nation within the time specified, in the decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation et al., for the return of Freedmen to said Nation.

The evidence further shows that Jane Whitmire has resided in the Cherokee Nation continuously for twenty-five years immediately preceding the date of her application herein; and that Grant Wolfe and his said minor children have resided in said Nation all their lives.

It is, therefore, the opinion of this Commission that Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe, Charlie Wolfe and Elnora Wolfe should be enrolled as Cherokee freedmen, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that the application for the enrollment of Pauline Wolfe as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

C. R. Breckinridge

Commissioner.

W E Harney

Commissioner.

Muskogee, Indian Territory,
this MAR 5 190

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. [illegible] Moore,
[illegible], I. T.
F-D-797
Register.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-797.

Muskogee, Indian Territory, September 9, 1903.

Dick Whitmire,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your wife, Jane Whitmire, as a Cherokee Freedman, you are hereby advised that further testimony is required as to her residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Monday, September 21, 1903, for the purpose of hearing additional testimony in Cherokee Freedman doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-797 et al.

Muskogee, Indian Territory, March 26, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Jane Whitmire et al., granting the applications for the enrollment of Jane Whitmire, Grant, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting the application for the enrollment of Paulina Wolfe as Cherokee freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the principal applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Enc. D-2.

Commissioner in Charge.

Cherokee Freedmen
D-797.

Muskogee, Indian Territory, April 21, 1904.

Jane Whitmire,

Lenapah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, granting, among others, your said application.

The decision, wiht the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register

Chairman.

Enc. D-26.

Refer in reply to the following:
Land.
27911-1904.

(C O P Y)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. July 26, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated April 21, 1904, transmitting the record of the applications for enrollment as Cherokee freedmen, of Dick Whitmire for himself and his wife, Jane Whitmire, and Grant Wolfe for himself and his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

March 5, 1904, the Commission decided that Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe, Charlie Wolfe and Elnora Wolfe should be enrolled as Cherokee freedmen, and that the application of Paulina Wolf as a Cherokee freedman should be denied. The claim of Dick Whitmire being ignored.

The record shows that the principal applicant was a slave at the beginning of the war of the rebellion, of a Cherokee citizen; was taken out of the Cherokee Nation during the war and returned and established a residence therein prior to February 11, 1867. All of the other applicants are shown to

be the descendants of slaves of Cherokee citizens at the beginning of the war of the rebellion, and who were taken out of the Cherokee Nation during the war and returned to the Cherokee Nation prior to February 11, 1867.

There has been some testimony filed from the record of the application of Daniel Thompson et al, C.F.D. No. 606, but I fail to discover any application to this case.

There is also filed a certificate from the case of Abraham Ward C.F.D. No.607, showing the assessment of Peter Ward for one female dog. This also appears to be without application to the case at bar.

It further appears that Paulina Wolfe was born in 1856, and is the child of a slave of a Cherokee citizen at the beginning of the war of the rebellion; that said slave was taken out of the Nation and returned to the Nation prior to February 11, 1867.

In view of the record the approval of the decision of the Commission favorable to Jane Whitmire, Grant Wolfe, Robert Wolfe, Lilah Wolfe, Jesse Wolfe and Minora Wolfe is recommended and that its decision unfavorable to Paulina Wolfe be reversed and her name enrolled as a Cherokee freedman.

Very respectfully,

/. C. Tonner,

Acting Commissioner.

W.W.M.
W.

B.C. 27373-1904. (C O P Y) J.P.

FEB

DEPARTMENT OF THE INTERIOR,

I.T.D. 6054-1904. WASHINGTON. July 29, 1904.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 5, 1904, you rendered your decision in the consolidated Cherokee freedman case of Jane Whitmire (D-797), and Grant Wolfe, et al (D-829), holding that Jane Whitmire and Grant Wolfe and his children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, are entitled to enrollment, and that Paulina Wolfe, wife of Grant Wolfe, is not entitled.

July 26, 1904, the Acting Commissioner of Indian Affairs submitted the case.

You stated that the applicants Dick Whitmire, and children, had been differently classified, and it appears from the papers in the case that they have been enrolled as Cherokee freedmen. The Indian Office is therefore in error in the statement that the claim of Dick Whitmire has been ignored by you.

The Acting Commissioner recommends that your decision, so far as it is in favor of the applicants, be concurred in. In this the Department concurs, and your decision, to that extent, is hereby affirmed.

The Acting Commissioner further recommends the reversal of your decision as to Paulina Wolfe, as he finds from the testimony that she is the child of a slave of a Cherokee citizen, and returned to the Cherokee Nation from Kansas prior to February 11, 1867.

In rejecting the application for the enrollment of this applicant, you stated that she was born in 1866, and is the daughter of Zilphia Kirk, and had no right to enrollment except such as she may have acquired through said Kirk; that said Kirk was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion and returned to the Cherokee Nation with Becky Webber. You held that as the Commission had found, in the Becky Webber case (D-853), that she did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims of February 3, 1896, in the case of Whitmire vs. the Cherokee Nation, et al, Paulina Wolfe was not entitled to enrollment, under section 21 of the act of June 28, 1898(30 Stat.,495).

The papers in the case under consideration have been returned to the Indian Office with the request that further consideration be given it as to Paulina Wolfe, in connection with the Becky Webber case, and also that consideration be given the rights, if any, of Paulina Wolfe as an intermarried Cherokee freedman.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully, (Signed) Thos Ryan
Acting Secretary .

1 inclosure.

Cherokee Freedmen,
D-797.

Muskogee, Indian Territory, August 11, 1904.

Jane Whitmire,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 29, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen,
D-797, 829.

Muskogee, Indian Territory, August 11, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Grant Wolfe, et al., granting the application for the enrollment of Jane Whitmire and Grant, Robert, Lilah, Jesse, Charlie and Elnora Wolfe, and rejecting the application for the enrollment of Paulina Wolfe, as Cherokee Freedmen, was affirmed by the Secretary of the Interior as to all except Paulina Wolfe, on July 29, 1904.

You are further advised that the Department's letter states that the record in this case has been again referred to the Commissioner of Indian Affairs for further consideration as to the rights of Paulina Wolfe.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON, March 30, 1905.

Land
51417-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated July 29, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen by Jane Whitmire for herself, and by Grant Wolf for himself, his wife, Paulina Wolfe, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

March 5, 1904, the Commission decided adversely to Paulina Wolfe and favorably to all the other applicants.

The record shows that all of the applicants except Paulina Wolfe, are descendants of Joe Wolfe, deceased, and that all were born since the beginning of the war of the rebellion. It further appears that Joe Wolfe was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, but returned thereto on or before February 11, 1867.

The record further shows that Paulina Wolfe was born since 1866 and is a daughter of Sylvia or Zilphia Kirk, deceased, and has no right to enrollment except as a descendant of Zilphia Kirk; that Zilphia Kirk was the slave of a Cherokee citizen at the beginning of the war of the rebellion;

that she was taken out of the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867.

The record further shows that Jane Whitmire has resided in the Cherokee Nation for twenty five years preceding her application and that Grant Wolfe and his minor children have resided therein all their lives.

In view of the record the approval of the Commission's decision adversely to Paulina Wolfe and favorably to all of the others is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

W.W.W.
W.

J.S.Jr.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

D.C.26612.

I.T.D.3300-1905.

June 22, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 21, 1904, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for enrollment as Cherokee freedmen by Jane Whitmire for herself, and by Grant Wolf for himself, his wife, Paulina Wolf, and his minor children, Robert, Lilah, Jesse, Charlie and Elnora Wolfe.

Reporting March 30, 1905, the Indian Office recommended that the decision of the Commission, favorable to all the applicants, except Paulina Wolf, be approved. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The decision of the Commission to the Five Civilized Tribes dated March 5, 1904, favorable to all the applicants except Paulina Wolf, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
D-819, 1377, 1378

Muskogee, Indian Territory, July 3, 1906

Grant Wolfe,

Delaware, Indian Territory.

Dear Sir:

You are hereby advised that thi office is in receipt of Departmental letter of June 22, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting the application for the enrollment of your wife, Paulina Wolfe, as a Cherokee freedman, and denying a motion for review of your case filed by your attorneys September 7, 1905.

Respectfully,

L M B

Commissi ner

Cherokee freedmen
D 829, 1377-1378

Muskogee, Indian Territory, July 3, 1906

Bell , Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of June 22, 1906, affirming the decision of the Commission to the Five Civilized Tribes dated March 5, 1904, rejecting the application for the enrollment of Paulina Wolfe as a Cherokee freedman, and denying a motion for review of said case filed by the attorneys for the applicants on september 7, 1905.

The Departmental decision as to Paulina Wolfe also affirms the decision of the Commission dated March 5, 1905, granting the application for the enrollment of Jane Whitmire and Grant Wolfe et al. This action of the Department is erroneous as that part of the Commission's decision of March 5, 1904, favorable to the applicants, was affirmed by the Department on July 29, 1904.

For your information a copy of Departmental letter referred to is herewith enclosed.

Respectfully,

Encl. B 99 1/2

Commissioner


SEP 15

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Return to

Gets no mail

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

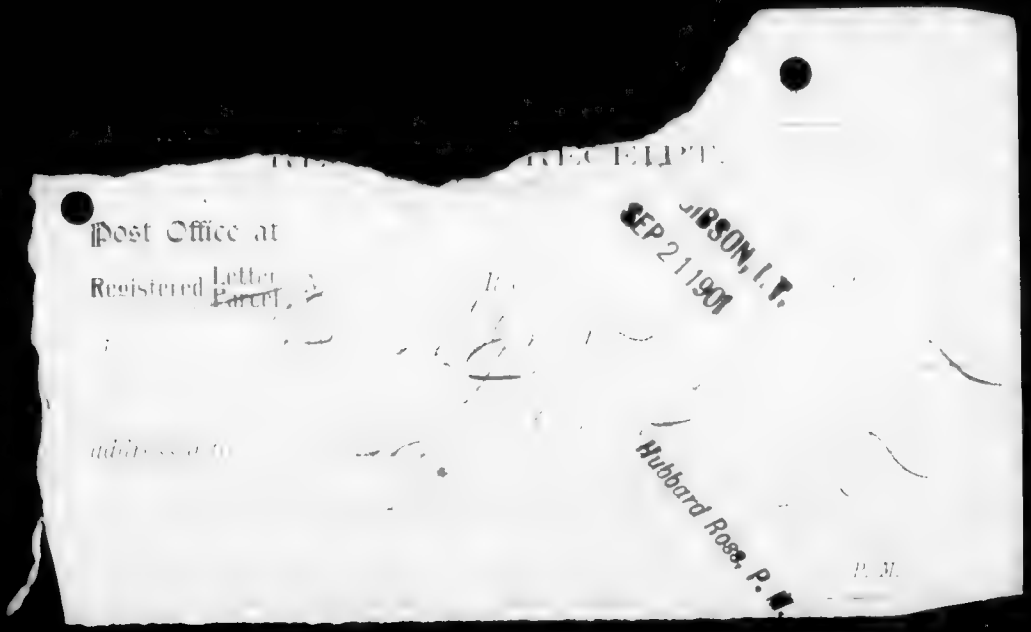
Penalty for private use, $300.

Return to

Gets no mail

Clerical Office
Notice Thereof
required in Appeal
of [illegible]


LENAPAH
MAY
24
9AM
1904
IND. T.
Reg. 10
11
UNCLAIMED
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.
RETURN TO
WRITER


Post Office at
Registered Letter
SEP 21 1904
Hubbard Ross, P. M.

Cher Fr 1379
see Cher Fr D796

Cher Fr 1379

(COPY)

Department of the Interior, COPY
Commission to the Five Civilized Tribes,
Nowata, I. T., June 21, 1901.

In the matter of the application of Samuel Whitmire for the enrollment of himself, wife and five children; as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

Q What is your name? A Samuel Whitmire.
Q How old are you? A About 55.
Q What is your post-office address? A Centralia.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you apply for? A My wife and children.
Q What is your wife's name? A Lydia Whitmire.
Q How old is Lydia? A 40 years old.
Q How many children have you under 21 and unmarried? A 5.
Q Please give me the names of the children? A Earnest Whitmire.
Q How old is Earnest? A 16.
Q Next one? A Levi.
Q How old is Levi? A 12.
Q Next one? A Bennie.
Q How old is Bennie? A 8.
Q Name is Benjamin? A We call him Bennie, I guess his name is Benjamin.
Q Next one? A Harvey.
Q How old is he? A 5 years old.
Q Next one? A Blanche, a girl.
Q How old is Blanche? 2 years old.
Q Are these children all living at this time? A Yes sir.
Q Living with you? A Yes sir.
Q What was your wife's father's name? A I don't know.
Q What was her mother's name? A Becky. Webber, she has been enrolled.
Q Is your wife's name on the roll of 1880? A No sir, I don't think it is.
Q Your name on the roll of 1880? A No sir.

By Mr. Mellette:

Q What rolls are you on? A Kern and Clifton roll and the Wallace roll.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants not found;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 138 #3428 Sam Whitmire, Cooweescoowee District;
page 138 #3429 Ernest Whitmore, Cooweescoowee District;
page 138 #3430 Levy Whitmire, Cooweescoowee District.
page 138 #3431 Ben Whitmire, Cooweescoowee District.

Q Did you draw for your wife, money? A Yes sir, she is with her mother.

Kern-Clifton roll page 142 #3519 Liddy Webber, Cooweescoowee.
Wallace roll of citizens of the Cherokee Nation examined and applicants identified on
page 177 #3300 Lydia Whitmire, Cooweescoowee Dist;
page 149 #3109 Samuel Whitmire, Cooweescoowee District.

BY MR. MELLETTE:

Q Was you a slave in the Cherokee Nation before or during the war?
A Yes sir.
Q Who was your owner? A Johnson Whitmire.
Q Where did he reside? A In Goingsnake District.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you leave the Cherokee Nation during the war? A Yes sir.
Q Where did you go? A To Kansas.
Q When did you return to the Cherokee Nation? A Returned back in '66.
Q Where did you come to in '66? A Back up here on Big Creek.
Q Where have you lived since that time? A I have lived right there ever since I come back there.
Q Lived right in the same place? A Yes sir.
Q Who did you come back with? A I come back with the Mays and Webbers and Sanders.
Q You own a place there on the public domain? A Yes sir.
Q How long have you owned it? A Ever since I got back there.
Q What is your wife's name? A Lydia.
Q Was she a slave before the war? A Yes sir, I guess she was, I don't know.
Q You don't know anything about that? A No sir, not before the war.

BY MR. HASTINGS:

Q What part of the Cherokee Nation did you come to? A Come up here on Big Creek.
Q From what place in Kansas did you come? A Right up near Ft. Scott.
Q What had you been doing up near Ft. Scott? A I wasn't doing much of anything; I was small then when I was up there.
Q How old are you now? A I am about 55, I guess, according to the ways they count my age.
Q You were just a young man when you came back? A Yes, just a young chap.
Q What was your father's name? A I don't know.
Q What was your mother's name? A Hannah Whitmire.
Q You know a Polly Ann Whitmire? A Yes sir.
Q What relation is she to you? A I don't know, she is kin to me.
Q You didn't come back with her? A No, no t altogether.
Q Was she along in the crowd when you came back. A No, she wasn't right in the crowd with me when I first come back.
Q Now about how many people were along in your crowd? A I couldn't tell just how many there was in my crowd, there was quite a host of them.
Q Was Mose Smith along? A Yes sir.
Q Was Jack Starr? A Yes sir.
Q Peter Ward? A No, Peter Ward wasn't in my crowd.
Q Peter Hudson? A No sir.
Q Was Noon Starr? A I don't know Noon Starr.
Q In whose wagon did you come back? A I come in Dave Ray's wagon.
Q And he located on Big Creek did he? A Yes sir.
Q How far did he locate from Sam Webber? A I guess it must have been about a mile.
Q Did some women and children come along with you? A Yes my mother and grand-mother and aunt and sister.
Q They all came along did they? A Yes sir.
Q Any houses up there on Big Creek when you come there? A No sir.
Q Didn't see a one? A No sir.
Q About what time of the year was that? A Oh sometime along in the fall of the year I suppose it was.
Q You can't be positeve about that then? A Well it was in the fall I know that.
Q Frost falling, or rising? A Yes sir.

Q Getting cool weather was it? A Yes sir, it was cool weather.
Q Good many along in that detachment? A Yes sir, there was a good many.
Q Sam Webber along? A Yes sir.
Q Lewis Whitmire ? A Yes sir.
Q They come down at the same time? A Yes sir.
Q Your brother some? A Yes sir.
Q Did you ever go down to Tahlequah to have your rights proved?
A Yes sir.
Q Sam Webber down there too? A Yes sir.
Q And Lewis Wright? A Yes sir.
Q You didn't get your rights proved up? A No sir.
Q Sam Webber got his rights proved up didn't he? A I guess he he did.
Q He was down there at the same time? A Yes sir.
Q Now when you first come to Big Creek you say you saw no houses?
A No, I never saw no houses.
Q No sign of where any people had been or lived? A No sir.
Q Didn't look like there had been anybody there? A No, plumb wild country to me when I got there, I never seen no improvements there.
Q And no sign of any improvements? A No sir.
Q No fields? A No sir.
Q No Houses? A No sir.
Q No hay put up? A No sir.
Q No foundation for houses? A No sir.
Q No logs cut or anything? A No, not as I know of.
Q You never saw it in all that country? A No sir.
Q Did you continue to live with Dave Mays? A No, I never lived with him, I lived with my mother and grandmother.
Q What was your grandmother's name? A Amy Whitmire.
Q What was your mother's name? A Hannah Whitmire.
Q Did they locate near Sam Webbers? A Yes sir, about a mile from there.
Q Did you ever go back to Kansas? A No sir.

By COMM'R BEEDLES:

Q Why wasn't your rights proved up in 1880, you say you were down there, -or '71, why didn't you get on the roll? A I don't know why I wasn't put on.
Q That's all you know about it? A Yes sir.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 21 1901

Post Office Centralia I.T.

District Coo

1. Name Samuel Whitmire Age 55

Owner's name

Year K.C. Page 138 No. 3428 District Coo

Parents:

Father Citizenship

Mother Hannah Whitmire Citizenship

2. Name of wife Lydia Whitmire Age 43

Owner's name

Year K.C. Page 142 No. 3579 District Coo

Parents:

Father Citizenship

Mother Becky Webber-Thompson Citizenship

Names of Children:

3.	Ernest Whitmire	Year K.C.	Page 138	No. 3429	Dist. Coo	6
4.	Levi "	Year "	Page 138	No. 3430	Dist. "	12
5.	Benjamin "	Year "	Page 138	No. 3431	Dist. "	9
6.	Harvey "	Year	Page	No.	Dist.	5
7.	Blanche "	Year	Page	No.	Dist.	2
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by W. T. Ellis Stenographer W. K. Green

On Dawes roll as Sam Whitmire

2 " " " " " " Ernest "

3 " " " " " " Levi "

4 " " " " " " Benj "

5 " " " " " " Harvey "

6 " " " " " " Lidda Webber

1 " Wallace " Page 149 #3309 — Coo

1/2 " " " 177 #3300 — Coo

Represented by Mellette and Smith.

6 and 7. Birth affidavit ~~attached~~

"196

File with D. D. 206, Samuel Whitmire.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T. JULY 1, 1901.

In the matter of the application of David Mayes for the enrollment of himself and two children as Cherokee Freedmen.

Appearances:
L. T. Brown, Attorney for Applicants;
J. S. Davenport, of counsel for Cherokee Nation.

DAVID MAYES, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A David Mayes.
Q What is your age? A 41 or 42.
Q What is your post-office address? A Gent alia.
Q What district do you live in? A In Coweescoowee District.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Wish to enroll anybody besides yourself? A Two children.
Q What are the names of your children? A Jeanetta C. Mayes.
Q How old is she? A Born the 31st day of August, 1886.
Q Then she is five years old, would'nt it? A Yes sir.
Q What is the name of the next child? A Richard M.
Q How old is he? A He was born the first of October, 1888.
Q Are you married? A No sir, my wife is dead.
Q Were you ever married? A Yes sir, been married, but my wife dead.
Q What was her name? A Gertrude Mayes.
Q Was a citizen? A No sir.
Q She the mother of these children? A Yes sir.
Q What was her name before you married her? A Gertrude Miller.
Q You say she is the mother of these children? A Yes sir.
Q Was she ever married before she married you? A No sir.
Q Were you ever married before you married her? A No sir.
Q Was she your first wife? A Yes sir.
Q Are you were her first husband? A Yes sir, so far as I know.
Q These are your children by her? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes sir, Wallace roll and the Clifton roll.

L. T. BROWN:
Q How old did you say you were?
A About 40 or 41, I don't know just which.
Q You don't remember the beginning of the war? A No sir.
Q Have you a brother? A Yes sir.
Q What is his name? A Josiah Mayes.
Q Is the Josiah Mayes who applied here this morning for enrollment, your brother? A Yes sir.
Q Where were you living when you can first remember?
A Well I don't know, just, when I first remember we were south as near as I recollect.
Q You know when you returned to the Cherokee Nation?
A No, not exactly.

Q With whom did you return? A With my father and mother.
Q What is your father's name? A Dave Mayes.
Q Where have you lived since your return? A Up here on Big Creek.
Q All the time? A Yes sir.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q What is your mother's name? A Susan Mayes.
Q Do you own a farm upon the public domain of the Cherokee Nation?
A Yes sir.
Q Ever vote in the Cherokee Nation? A Yes sir.
Q You lived here since your return with your father, Dave Mayes?
A Yes sir.

MR. DAVENPORT:

Q You did'nt return with your father when he first came?
A No sir, I did'nt return with my father.
Q You returned in the latter part of February, 1867, or along in the year 1867? A Yes, or earlier, I don't know which.
Q Did'nt you testify before the Kern-Clifton Commission that you returned in the latter part of February, 1867? A I don't know for certain whether it was February or January of that.
Q Didn't you say then it was the latter part of February, 1867?
A I don't know.
Q Now which is correct? A I don't know, I wasn't clear enough to know, I say one it was sometime in '67.
Q When you came back you came on Big Creek? A Yes sir.
Q You came near Buck and Babe Sanders? A Yes sir.
Q They know when you returned? A Yes sir, they knew.
Q They were here last week attending the enrolling of the Commission?
A Yes sir.
Q They are not here this morning? A I don't think they are.
Q Did you speak to them about witnessing for you? A No sir, I could have got them, but I had a ready spoke to them, they said they didn't know whether they were coming down.
Q They said they did'nt know whether you came back? A I don't know.
Q Didn't Buck Sanders tell you last week that you didn't come back here until the latter part of February, 1867, or late in that year?
A No, Dan Sanders never told me that.
Q Isn't it correct that you didn't get back here that time?
A It was sometime in '67, that is right, I don't know whether it was February of January or which.
Q Or whether it was March? A No sir, it was before that enough.
Q It was after Christmas considerably? A I made corn and raised a little crop that year.
Q Built you a house? A Why the house was built when I came.
Q Any land broke out? A No sir.
Q Who was living there when you came? A My mother, my oldest brother and sisters.
Q That was Josiah? A Yes sir.
Q You and your mother remained in Kansas then until your father came back? A Yes sir, he couldn't bring us all the first time.
Q Where have you been living since that time? A Right here on the old place.
Q Lot of people own farms up in that country that are not citizens?
A Why I don't know, I can't say.
Q You have known several of these claims, you know J. S. Clifton owned a farm up there for years?
A I don't know; I didn't know J. S. Clifton, I never was up there.
Q You don't know of any of these claims; you know J. S. Wallace?
A Yes sir.
Q That he owned a place there for a number of years? A Yes sir.
Q He wasn't a citizen was he? A I don't know'
Q Don't you know he was a claimant? A Why I heard he was.

JOSIAH HAYES, being duly sworn by Commissioner Needles, testified as follows:

L. T. BROWN:

Q State your name? A Josiah Hayes.
Q Age? A 44.
Q Post-office address? A Centralia.
Q Do you know the applicant, Dave Hayes? A Yes sir.
Q What relation is he to you? A Brother.
Q Do you know to whom he belonged at the beginning of the Civil War? A Yes sir.
Q What was his owner's name? A Johnson Whitmire.
Q Johnson Whitmire a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Do you know when Dave Hayes returned to the Cherokee Nation after the close of the Civil War? A Yes sir.
Q When was that? A It was in the early part of '67, just after Christmas sometime.
Q Who brought him back to the Cherokee Nation?
A My his father and mother brought him back.
Q Prior to the time his father and mother brought him, had his father been down here? A Yes sir.
Q What year was that in? A That was along in '66.
Q What did your father do when he came down in '66?
A He came down and taken him a claim.
Q And went back? A Went back and moved them.
Q Was that in the early part of '67? A Yes sir.
Q About how long after Christmas?
A Right directly after Christmas, right along in there.
Q Was it a week or two? A Yes sir, about a couple of weeks as near as I can remember.
Q Has the applicant, Dave Hayes, lived in the Cherokee Nation since that time? A Yes sir.
Q Living here now? A Yes sir.

MR. DAVENPORT:

Q Now, it was'nt quite two weeks after Christmas, was it Joe?
A Why I suppose it was somewhere along there.
Q Now if you cant remember and know it was just about a week after Christmas when he came back down? A No, I can't know that.
Q You have'nt the slightest idea when your father went to bring people down here, have you?
A Yes sir, I know it was somewhere along in there.
Q What makes you say it was just about two weeks after Christmas?
A That is as near as I can remember.
Q You are simply trying to get in within six mo. the after the treaty was made? A No sir.
Q Didn't you have that in mind when you answered the question?
A No sir, I did'nt.
Q Do you know what time the six months would have expired after the treaty, in '67? A No sir, I don't know exactly.
Q Never have understood what time it did? A No sir.
Q And did'nt fix your answer with that view? A No sir.
Q You don't know but what they had the whole year to come back of '67 to come back, do you? A No sir, I don't.

COMMISSIONER:

Q How old are you? A I am 44.
Q You are older than Dave? A Yes sir.
Q What relation are you to him? A Brother.
Q How much older are you than Dave? A I don't know just exactly how old.

Q You and Dave were there at the same time in January, when you came back together? A I came back before that time I said.
Q He don't recollect just when he did? A No sir.
Q You are older than him and probably can recollect better?
A Yes sir, I naturally had a better recollection, but then when he was small of course I could recollect before he can.
Q Then you were about seven years old when you returned to the Cherokee Nation? A Yes sir, some where along there I guess.
Q And Dave was about how old? A I don't know just exactly how old he was, we didn't have our ages down.
Q When you answered awhile ago that he was a slave before the war you did'nt know that? A Yes sir, he was born.
Q He was'nt born before the war was he? A Yes sir,
Q Well he is more than 40 years old?
A Yes sir, born along in there somewhere.
Q How long before the war was it he was born? A I don't know just how long before the war he was born.
Q You were about seven year old at that time?
A Breaking out of the war?
Q Seven years old though when Dave came back; then you say he came back here in '67 now you were how old then?
A I don't know exactly just how old I was.
Q Big enough to plow? A Yes sir, I could plow.
Q 7 or 8 years old then? A Yes sir.

L. T. BROWN:
Q Your father made two trips to the Cherokee Nation? A Yes sir.
Q One in '66 and one in '67? A Yes sir.
Q At that time the applicant here, Dave Hayes, was a small boy, a minor? A Yes sir, he was small.
Q I believe you said when your father made the trip here in '66, that he took up a claim and built him a house? A Yes sir.
Q And moved in '67 with his family.

SAM WILSON, being duly sworn by the [illegible], testified as follows:

L. T. BROWN:
Q State your name? A Sam Wilson.
Q Age? A About 56.
Q Post-office address? A Mounts.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q I see your name appear upon the authenticated roll of 1896?
A Yes sir.
Q Do you know the applicant, Dave Hayes? A Yes sir.
Q To whom did he belong at the time of the war?
A I can't tell you that altogether, of course I heard he belonged to Jeanser Whitmire, but I don't know that and can't say it.
Q Where did you see him for the first time after the close of the Civil War? A When his father brought him in there.
Q When was that? A Along sometime just after Christmas they came in, along in January or either.
Q Prior to the time that his father brought him here in January, '67, had his father been here, that is, after the close of the war?
A Yes sir, yes sir, came down and built and brought part of his family and part of his family.
Q In what year was it he came down and built the house?
A Along in the fall of '66 then he built him a shanty.
Q You know whether or not the applicant, Dave Hayes, has lived in the Cherokee Nation since he returned with his father in January, '67?

A He moved up there, stayed there?

MR. MATTHEWS:

[illegible] was in January, '07, that his father moved him down? A Yes sir.
Q [illegible] you remember it was in January '07?
A [illegible] went down to fetch him family up there.
Q [illegible], it was January?
A Yes sir, it was somtime in January.
Q Might [illegible] January or March?
A It was along, after Christmas.
Q And you are positive it was January? A Yes sir.
Q Don't [illegible] you fix your answer positively in January, that differ- ence does it make if he got back in January or March?
A I don't know that it course it makes, I am just telling you when he came.
Q You [illegible] March or April?
A [illegible] quarter, so think like that.
Q You were there [illegible] don't know much about it
you remember distinctly as to the fact in January, '07?
A [illegible]

[illegible]

[illegible] Mays.
[illegible]

MR. [illegible]:

COMMISSIONER:
Q [illegible]
A [illegible] said
[illegible]
Q [illegible] No sir.
Q [illegible] Lowly Davis? A Yes sir.
Q [illegible] married to Cornelius [illegible]?
Q [illegible] division? A No sir.
Q [illegible]
A [illegible]

COMMISSIONER: [illegible] Mary.
[illegible] way of family, [illegible]
[illegible] of the Cherokee Nation.

Q How many children [illegible] at this time?
Q Your wife isn't living now? A No sir.
Q [illegible] married since? A No sir.

MR. [illegible]: To [illegible] of the Cherokee Nation [illegible] information of the marriage certificate or the fact that the time it purports to have been executed there was no law [illegible] the Indian territory in the Cherokee Nation, [illegible] a negro who wasn't a recognized citizen of the Cherokee Nation to secure a marriage license from the Clerk of [illegible]

United States Court for the Northern District.

[illegible] DAVID HAYES applies for the enrollment of himself and two children, Jo notid C. and Richard H. He cannot be identified upon the authenticated roll of 1880, or the census roll of 1896. He is identified upon the Kern-Clifton [illegible] and the Wallace rolls. He swears that he was the slave of one Johnson Whitmire, a Cherokee citizen; he sworn and the testimony shows that he returned to the Cherokee Nation with his father while he was a child, about the [illegible] of January, 1867, he at the time of said return being a minor. He offers satisfactory proof of his marriage to one Gertrude Killey in 1898, by whom he swears he has the two children for whom he applies. He swears and the testimony shows that he has been a citizen of the Cherokee Nation from the date of his return until the present. He swears that his two children are now living, coincidentally, David [illegible] the children, Jennette C. and Richard H. Hayes, will [illegible] the enrollment as Cherokee freedmen upon a card. It will be necessary for him to file satisfactory proof of the birth of the two children. He will be notified by mail of their action in the premises at his post-office address.

———o———

[illegible], being duly sworn, says that he is a clerk to [illegible] to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true, complete, transcript of the [illegible] thereof.

[illegible]

Subscribed before me this [illegible] day of [illegible], 1901.

(Signed) T. B. Needles
Notary Public.

—: : : : : : : :—

In the matter of [illegible] et al., C.N.D.-801.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., October 10, 1901.

In the matter of THE application of [illegible] A.A.D. C.N.D.-813.

Appearances:
[illegible] for the applicants, C.N.D.-798, but
[illegible] in the present case, and present same case
[illegible] in order to cross-examine the witnesses for
the benefit of C.N.D.798.

[illegible] called three times and appears not either in person or by attorney. Satisfactory proof of notice filed that this hearing [illegible] by order of the Commission by the Cherokee Nation.

Witnesses sworn under the rule.

C. L. LYNCH, being first duly sworn by Notary T. B. [illegible], testified as follows on part of the Cherokee Nation:

BY MR. DAVENPORT:
Q What is your name? A C. L. Lynch.
Q Where do you live? A In Flint District, Cherokee Nation.
Q How old are you? A 61.

Q Where were you living at the breaking out of the war?
A In Saline District, Cherokee Nation.
Q How far from Grand river? A About a mile in some places, the closest point.
Q What was your father's name? A Joe M. Lynch.
Q Did you go away during the war?
A Yes sir, in '62, and I come back in February of '67.
Q When you came back to what point did you come in the Cherokee Nation? A To our old place on Grand river, Saline District.
Q Then was that? A '67.
Q Who was living there on the old place when you came back?
A Mr. Scraper, he was living there then.
Q What was his first name? A George.
Q Did you then know a colored man named Warren Adams?
A I don't know him by that name.
Q Did you ever know a colored man named Warren?
A Yes sir, he belonged to the Martin's.
Q Did you see him after the war? A No sir.
Q Was he or his family living on your old place when you come back?
A No sir.
Q Did they move there after that to your knowledge? A No sir.
Q Do you know Ben Adams, the applicant in this case?
A No sir, never saw him to know him.
Q How long did you stay at this old place?
A Often and on during the year '67.
Q This man Warren was not living there at that time? A No sir.

BY MELLETTE:
Q This man Warren was a slave before the war? A Yes sir.
Q Who owned him? A Dick Martin.
Q Were you well acquainted with this slave? A Yes sir, some of them.
Q You never have seen him since the war? A No sir.
Q Don't know what country he has lived in since the war?
A I have lived on Grand river.
Q I say he? A Oh, no sir,
Q You don't know if he was in the Cherokee Nation or not? A No sir.
Q Don't know if he was in the Cherokee Nation in '66? A No sir.

BY DAVENPORT:
You do know that he was not on your father's old place in '67?
No sir, he was'nt there, I was there and he was'nt there.

GIBBIE CLARK, being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:

BY DAVENPORT:
Q What is your name? A Gibbie Clark.
What is your post-office address? A Vinita.
How old are you? A 58.
Q Where did you live before the war broke out?
A I have lived in the Territory all my life.
Q Did you go away during the war? A Not much, I was a soldier in this country.
After the war closed in '65 where did you locate?
A In Saline District.
Q How far is that from the old Joe Lynch place? A I located within 4 or 5 miles from it, my father-in-law was living on that place then.
Q Who was he? A G. W. Scraper.
Q Did you ever know a colored man named Warren Adams? A Yes sir.

Q Did you know him before the war? A No sir.
Q You knew him after the war? A Yes sir.
Q When did you first get acquainted with him? A In the 70's.
Q Were you ever on your father-in-law's place in '67?
A Yes sir, I was there often, I visited my wife's folks.
Q Did Warren Adams and his family live on the old Joe Lynch place in '66 and '67? A No sir.
Q Do you know of your own knowledge if he lived there after that?
A I don't think Warren ever lived there; his father came there and bought, his father lived in one of the negro out-houses and made four or five crops there on the Spring branch.
Q What year was that in? A I think he staid there three or four years after that, I think he went there in '68.
Q They did'nt live there at all while Mr. Scraper was there?
A No sir.

BY MELLETTE:
Q Did you say that Warren Adam's father moved there in '67 or '8?
A I think it was in '68.
Q Do you think your recollection is positive on that point?
A Yes sir.
Q It was either in '67 or '8? A Yes sir.
Q What time in '68? A He went in one of these out-houses in '67 I think, but he never made a crop there until '68.
Q You can't tell if Warren Adams moved there in December of ' 7 or not? A No sir, not positive as to the month.
Q You did'nt pretend to keep the dates? A No sir.
Q You don't know where Warren Adams was in '66? A No sir.

BY DAVENPORT:
Q Do you know the applicant, Ben Adams? A Yes sir.
Q Have you known him for the last few years? A Yes sir, for several years, he is a relation of the Beans and lived right there.

This will be filed in Cherokee Freedmen cases D-715, D-72[illegible], D-726 and D-681.

Chas. vonWeise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas. VonWeise.

Subscribed and sworn to before me this the 18th of October, 1901.

(signed) T. B. Needles
Commissioner.

File with David Mayes et al., CFD-681.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 28th 1901.

In the matter of the application of Martha Virgel, C.F.D.726.

Supplemental Testimony.
Witness placed under the rule.

Appearances

Appearances:
W. W. Hastings for the Cherokee Nation
A. S. McRea, for the applicant.

WILLIAM RAY, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation.

BY HASTINGS:
Q What is your name? A William Ray.
Q What is your age? A 63 past.
Q What is your post-office address? A Garnett, Kansas.
Q How long has that been your post-office? A Since '67 or '8.
Q Did you know a colored man and woman there names Warren and Ibbie Adams? A Some acquaintance with him, saw her, not much acquainted with her.
Q Where were they living when you first knew them? A East of Garnett.
Q On a farm? A Yes sir.
Q How long did they live there after you come to Garnett? A Not long.
Q Well about how long? A They must have left here in '68 or 70.
Q Were they living there when you come? A Yes sir.
Q Did they have any children that you remember?
A They had some children, I dont know exactly their names.
Q How long after you come there until you got acquainted with them?
A It was just before they went away I saw them at church, I don't know just when I did get to say acquainted with them.
Q Whose place was it that they had lived on? A At that time I didn't know, I know who owns it now.
Q Who? A A man named F. G. Brenns.
Q About how far from town was it? A Right around about two miles, one and a half or two miles.

BY McREA.
Q You don't know who owned Warren and Ibbie Adams? A No sir.
Q You don't know when they first came to this particular place you speak about? A No sir.
Q You don't know where they were in '66? A No sir.
Q Or in '67? A In the arly part of '67 I don't know where they were.
Q When did you say your acquaintance first commenced with these two people? A I can't tell when exactly or at what place it was, just before they left to come back here though.
Q Your acquaintance with them was'nt very intimate was it? A No sir, they lived quite a ways from town and I did'nt get out very often.
Q You don't know the applicant in this case, Martha Virgel, the reputed daughter of Warren and Ibbie Adams? A No I don't know her.
Q And you don't know if that Warren and Ibbie Adams that you knew in Kansas is the reputed mother and father of this applicant, Martha Virgel, or not? A I do not.
Q You have no acquaintance with the applicant whatever.
A No sir, if I does I don't know it at this time.

W. A. JOHNSON, being called and sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

BY HASTINGS:
Q What is your name? A W. A. Johnson.
Q Your age? A 71.
Q Your post-office address? A Garnett, Kansas.
Q How long has that been your post-office? A Since '68.
Q Mr. Johnson, did you know a colored man up at Garnett, Kansas, by the name of Warren Adams, who had a wife named Ibbie?
A I know Warren Adams, I don't remember his wife's name.
Q When did you first begin to know Warren Adams?
A Soon after the close of the war.

Q Abou t how long did you know them there after the war?
A I don't remember when Warren Adams was last at Garnett -- it was -- he was there about three or four years, is my judgement about it.
Q After the war? A Yes sir.
Q You are not distinct as to the date, but you think it was three or four years? A No sir, I cannot tell exactly about the date, as there is no fact about Warren Adams' leaving that calls to my mind when I last knew him.

BY McREA:
Q Colonel, where did you say you first become acquainted with Warren Adams? A Garnett, Kansas.
Q What year? A It must have been in 1866.
Q What time in '66? A I can't be positive about that.
Q Do you know when he came there? A I do not, these colored people came there while I was away in the army, I found them there when I returned to my home along in the fall of '65, or the winter of '66.
Q Do you remember under what circumstances you met him, Colonel?
A I do not.
Q Now, colonel, are you willing to swear positively that the Warren Adams you met in Garnett, Kansas, id the Warren Adams whi is the alleged father of the applicant, Martha Virgel? A No sir, I can't be positive about anything of that kind, I don't know who the father of this applicant was.
Q You can't answer it? A No sir.
Q You would'nt swear that? A No, I would'nt swear who her father was.
Q You don't know the mother? A No sir, I did'nt know any of Warren Adams' family except himself.
Q Well, now, Colonel, did you keep tab on Warren Adams' movements from the time you first met him until he left there?
A No sir, I had no occasion to.
Q He may have returned to the Cherokee Nation in '66, or the early part of '67 without your knowledge?
A He could have do e it but I don't think he did.
Q You would'nt swear positively that he did'nt would you?
A No sir, I would'nt.
Q When did he leave Garnett, Kansas, this Warren Adams that you know?
A Well, it would only a matter of judgement with me about that, I would say it was about 1870.
Q You think he left about 1870? A Yes sir, it might have been earlier, but that wo ld be my judgement about it now according to my recollection.
Q Do you know where he went to? A No sir, and I don't know exactly when he left; I knew him there as I knew the other colored men that were there; he disappeared from my observation and I don't know where, when, or how he left; it is a difficult matter to say when anyone leaves a country unless there is some fact to fix the time.
Q Did you ever see him back there any more?
A I don't recollect seeing him any more.
Q And you don't know what became of him? A No sir, I don't.

This wil be filed in Cherokee Freedmen cases: D-726, D-715, D-961 and D-722.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the above, and that the foregoing is a true and complete transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

(signed) C. R. Breckinridge
Commissioner.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Known to and subscribed before me this 11th day of August, 1902.

Bruce B. Jones
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 12 1901

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in the matter of the application of _____ for enrollment as Cherokee Freedmen.

Chas. Cherokee Freedman #

G

F.D. 796

D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190 .

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of SEP 23 1901 . 190 .

McLeod & Smith

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190 .

Subscribed and sworn to before me this .....

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
Notary Public.

FILED
SEP 23 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Samuel Whitmire for enrollment as Cherokee citizens:

Case No. D 796

To Samuel Whitmire or Kelletie & Smith His Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 28th 1901 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

Attorneys for the Cherokee Nation.

AUG 3 1982

F. D. 301.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the preset time is the Republican but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of thispaper in your office? A We are.
Q Have you a file of the official paper including December 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd inst., after dark, Mr. Dyer Hayford, of this city, was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these:

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

POOR ORIGINAL -
BEST AVAILABLE COPY

suspicion was at once directed to Hackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Hackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Musgrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. T. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and T. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination; and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears visible evidence that the pistol was held close to the body when discharged. The other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, was found close to the spinal column, a few inches below the lower rib on the left side of the body. The fourth ball entered the under part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on the body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's last Wednesday morning, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and could not find him. Ali Hackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door. I went in; Hayford came out and the flour was gone; he asked if there was there when I came in, and I told him; asked me to get on my horse and follow Hackey and see if he had the flour; did so; rode very fast and overtook Hackey at the mill, going toward the mill; he had stopped and the sack of flour was on the ground; his coat was off and thrown over the flour but the end of the sack in sight; I rode close to him; he put his head up to his right was blowing right across his face; I inquired if he had a rope on his neck; he said no; I rode back to Hayford's and told him Hackey had the flour and where it was; Hayford said he would go get the flour, and asked me for my pony; he got on and went the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw at Hayford's he had on a soldier's coat; it was off when I saw him with the flour. Didn't notice that at any time whether Hackey had any arms or weapons with him; saw him again a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I knew that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Hackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Londer, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard me call, but would'nt answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury reurned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was duly lodged in jail. Early Monday morning at 2 a.m. but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offense with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HAWKINS: I desire to introduce an editorial from the Fort Scott Monitor of date February 27, 1867, the headline:

"Ell Mackey, [illegible], accused of the murder of Lyon Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HAWKINS: I desire to introduce the following from the Fort Scott Monitor, of Wednesday, March 27, 1867:

"A Night of Horrors.

[illegible] of the most fearful [illegible] in connection with the murder [illegible] Monday for the [illegible] is completed with [illegible] and [illegible] long ago to cast overshadow the heart [illegible] from.

[illegible] we published an account of the escape of Ell Mackey [illegible] was held under bonds by Lyon Hayford. Every [illegible] the officers of the law have been on the alert with a view [illegible] and on Friday last, Deputy Sheriff [illegible] and [illegible] the woods in the vicinity of Sheridan [illegible] five miles northeast of this place, arrested, his capture [illegible] in company with [illegible] on post [illegible] captured.

On [illegible] Mackey, Gen. [illegible], Gen. [illegible] appointed [illegible] to watch [illegible] to be fired [illegible] several shots [illegible] the house [illegible] the first shot [illegible] house. [illegible] after [illegible] to the [illegible] his friends [illegible] and [illegible] heard [illegible] in pursuit. [illegible] and [illegible] fled [illegible] dropping [illegible] when [illegible] signified [illegible] him his [illegible] revolver [illegible] was [illegible] Mackey [illegible] Arter the [illegible] which he had [illegible] his death he [illegible] Mr. Hayford [illegible] to [illegible] killed [illegible] sirius - [illegible] with scarcely [illegible]

[illegible] Mackey [illegible] Hayford. [illegible] Mackey [illegible] Hayford [illegible] Mackey [illegible] Hayford [illegible] Mackey [illegible] Hayford

and killed [redacted] one time, in the Cherokee Nation, 35 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday [illegible] funeral sermon by Mr. Irwin was escorted by a large procession, followed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Perry Vann - on the brother who harbored the murderer and the [illegible] charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them from a tree where their lifeless bodies were found next morning. So much was this the case that few in the city except those who participated knew of [illegible] until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

H. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Were you living there at the close of the war? A Yes, sir.
Were you living there in '68, December? A I have lived there ever since '62.
Do you know Dyer Hayford? A Yes, sir.
Had you known him before December '68. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Was he killed? A He was killed at Fort Scott.
Was he killed in the town? A He was killed just at the brink of the hill along in the mouth: yes, sir he was killed in the city just about the brink of the hill.
About what time of the day was he killed? A He was killed just after dark, just dark.
Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Who? A Eli Mackey.
Was he a colored man? A Yes sir, he was.
Did you assist in his arrest? Yes, sir.
Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard two shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. From the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q [illegible] then, was that after that? A Yes, sir, they didn't have time to know it.
Q [illegible] he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, 26th I think it was.
Q [illegible] following, of '07? A Yes, sir.
Q [illegible] he make his escape? A Hd got away.
Q [illegible] got away? A Yes, sir, he got past the turnkey, he [illegible]
Q He [illegible] the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A [illegible]es, sir, and searched houses and searched sands, they looked around for him, out [illegible] and him.
Q [illegible] that time? Yes, sir.
Q [illegible] was for about three weeks? A Yes, sir. Something [illegible]
Q [illegible] up until about the [illegible] Yes, sir.
Q [illegible] that Eli Mackey was reputed to be a Cherokee Indian or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was lying up there? A He was killed, yes, sir.
Q What I was not particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No horses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Mayford; I heard the shot that killed Mayford.
Q And you helped to arrest him? Yes, sir, I got to Mayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Mayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Mayford was killed by Eli Mackey? A I was.
Q What office was that? A City Marshal, police town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Mayford? A I did.
Q How soon after Mayford was killed was Mackey arrested, Eli Mackey?
A 30 or 40 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q [illegible] generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Tell us how long he remained in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 16th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at that time.
Q [illegible] there was any reward [illegible] time made for him?
A You mean after?
Q Then he got away after February 16th? A Yes, sir, there was considerable hunt for him at that time.
Q Rewards offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.
COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done
Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, immaterial and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-[illegible], D-401, D-402, D-404, D-407, D-775, and in D-791, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and reported in full the testimony and proceedings in the above entitled matter, and that the foregoing is a true and complete transcript of his shorthand notes thereof.

(Signed) Arthur G. [illegible]

Subscribed and sworn to before me this 14th day of May, [illegible]

(Seal) (Signed) Philip [illegible]

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file in the Commission and that the same was made by me.

[illegible]

Subscribed and sworn to before me this 23rd day of July, 1903.

Bruce S. Jones
Notary Public.

NO. 9D796

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, ss.

I do solemnly swear that I delivered a true copy

of the within notice to

on the day of , A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice this the 24 day of May 1902

Mellette & [illegible]

Attorney for Applicant.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice this the day of 190

Agent for Applicant

NOTICE.

In the Matter of the application of **Sam Whitmire,**
for enrollment as Cherokee citizens:

To **Sam Whitmire, or Mellette & Smith his attorneys,**
Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on **May, 27,** , A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this **May, 24, 1902.**

No. F D 796.

Attorneys for the Cherokee Nation.

Cherokee Freedmen D 764.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Whitmire for the enrollment of himself, his wife, Lydia Whitmire, and his minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 21, 1901, Samuel Whitmire appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself, his wife, Lydia Whitmire, and his minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire, as Cherokee Freedmen. Copies of the testimony taken at various times in the cases of David Mayes, et al. and Elizabeth Meigs are made a part of the record in this case.

The evidence shows that the said Samuel Whitmire was the slave of a Cherokee citizen at the commencement of the rebellion; and that he left the Cherokee Nation during the rebellion but returned thereto prior to January 19, 1867.

It further appears that all the other applicants herein, except Lydia Whitmire, are the children of the said Samuel Whitmire, born since 1866.

The evidence further shows that the said Lydia Whitmire (formerly Webber), was born since 1866; that she is a daughter of Becky Webber and has no rights to enrollment except such as she may have derived through her mother. The Commission has found in the case of said Becky Webber, Cherokee Freedmen D 435, that she did not return to the Cherokee Nation until after January 19, 1867.

It further appears that the name of said Lydia Whitmire is not found on the 1880 authenticated Cherokee roll.

The evidence further shows that the said Samuel Whitmire has resided in the Chuqueta Nation ever since his return thereto after the rebellion; the residence of his said minor children is considered to have been with their father since their birth.

It is, therefore, the opinion of this Commission that Samuel Whitmire, Harvey Whitmire, Lydia [illegible], Benjamin Whitmire, Harvey Whitmire, [illegible]

[illegible] provisions of said [illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JAN 2 1904

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

DEPARTMENT
RECEIVED
MAY 5 1923
NO. 3365
Supt. Five Civilized Tribes

WASHINGTON, D.C., April 28, 1923

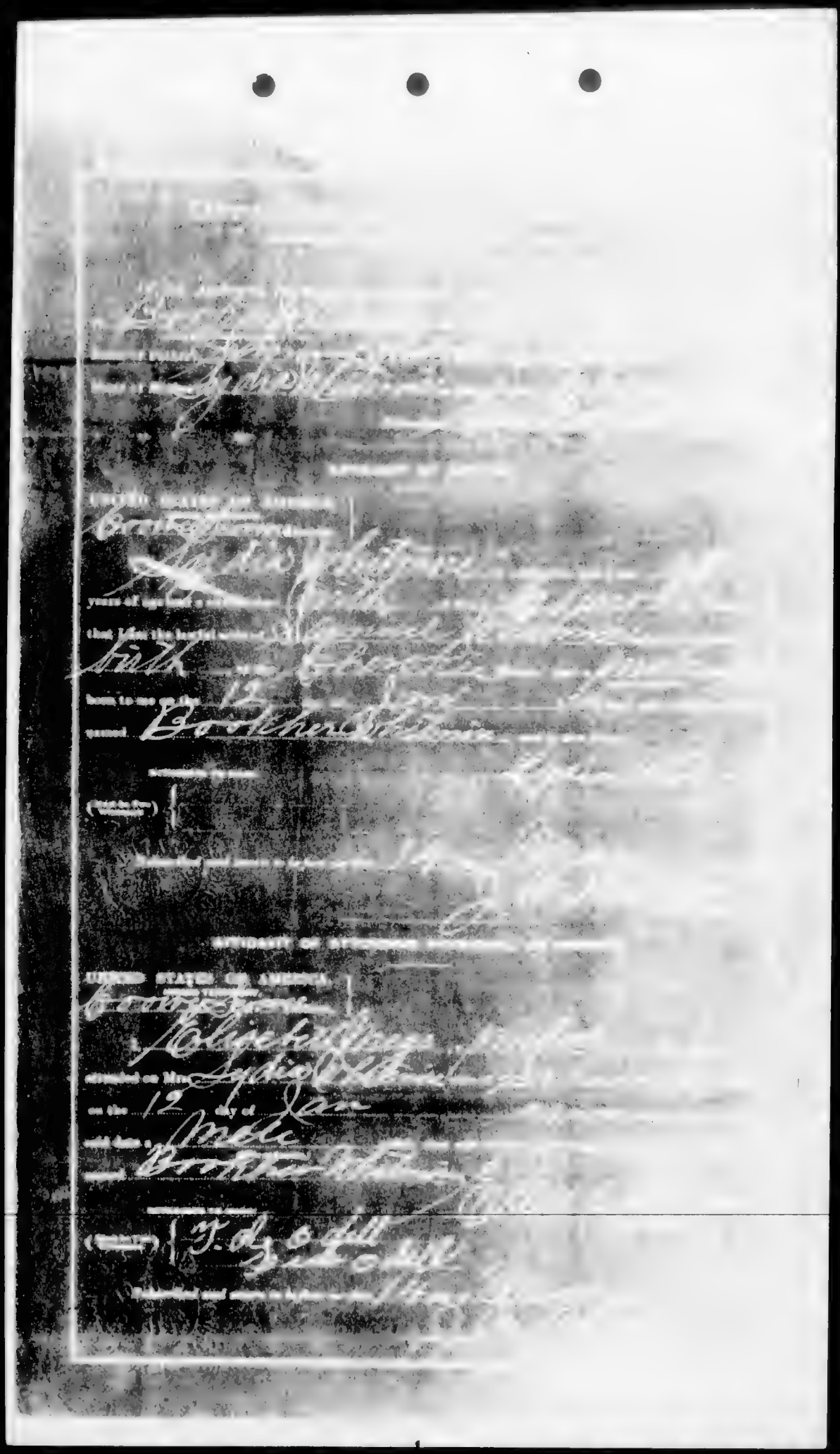
I, E. B. Meritt, Assistant Commissioner of Indian Affairs, do hereby certify that the papers hereto attached are true copies of the original as the same appears on file in this Office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of this Office to be affixed on the day and year first above written.

E B Meritt

Assistant Commissioner.





NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. [illegible],
[illegible], I. T.
[illegible].
[illegible].

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

--Copy--

Refer in reply to the following:
Land
6304-1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated January 23, 1904, transmitting the record of the application for enrollment as Cherokee freedmen of Samuel Whitmire for himself, his wife Lydia Whitmire, and his six minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire.

January 2, 1904, the Commission found that all of the applicants were entitled to enrollment as Cherokee freedmen except Lydia Whitmire, the wife of Samuel Whitmire. The evidence shows that Samuel Whitmire was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he left the Cherokee Nation during the war, and that he returned and established a home in the Cherokee Nation on or before February 11, 1867 and has continued to so reside up to the date of the Commission's decision. It is further shown that the applicants, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire are minor children of the claimants Samuel Whitmire and his wife, Lydia, and were born since February 11, 1867, and their sole title to enrollment is derived from them. The evidence also shows that Lydia Whitmire, wife of Samuel Whitmire, was the

slave and child of a slave, of a Cherokee citizen at the beginning of the war of the rebellion and was taken out of the Cherokee Nation during the war and mother and child, Lydia, returned to the Cherokee Nation on or before February 11, 1867, and established a residence therein and so resided to the date of the decision of the Commission heretofore cited.

In view of the record, the approval of the Commission's decision favorable to the applicants, Samuel Whitmire, Harriet Whitmire Levi Whitmire, Benjamin Whitmire, Harvey Whitmire, Blanche Whitmire, and Bookher Whitmire, is recommended.

It is also recommended that so much of the Commission's decision adverse to the applicant Lydia Whitmire be reversed and that Lydia Whitmire be enrolled as a Cherokee freedman.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMd

C

W.C.F.

D. C. 22432-1904
I.T.D. 5038-1904.

J.F.

L. R. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

June 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 23, 1904, you transmitted the record in the matter of the application of Samuel Whitmire for the enrollment of himself, his wife, Lydia Whitmire, and his six minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire, as Cherokee freedmen, including your decision of January 2, 1904, holding that Samuel Whitmire and his minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire, should be enrolled as Cherokee freedmen, and that the application for the enrollment of Lydia Whitmire, should be denied.

Reporting June 17, 1904, the Acting Commissioner of Indian Affairs recommends that all of the applicants be enrolled.

Your decision, in so far as it effects Samuel Whitmire, Earnest Whitmire, Levi Whitmire, Benjamin Whitmire, Harvey Whitmire, Blanche Whitmire and Bookher Whitmire, is affirmed. You will notify the principal applicant and the attorney for the Cherokee Nation of the recommendation of the Acting Commissioner as to the enrollment of Lydia Whitmire, and allow said attorney thirty days within which to file any argument he may desire, and the applicant ten days within to reply to same.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) M. M. Miller.

Acting Secretary.

1 inclosure.

Cherokee Freedmen

D-796.

Muskogee, Indian Territory, August 5, 1904.

Edgar Smith,

Attorney for Samuel Whitmire, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated January 2, 1904, rejecting the application of Samuel Whitmire for the enrollment of his wife Lydia, and granting his application for the enrollment of himself and his six minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except Lydia Whitmire, on June 27, 1904.

The Department, in its letter of June 27, states that the Commissioner of Indian Affairs recommends that Lydia Whitmire be enrolled as a Cherokee freedman. In accordance with instructions contained in said letter the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, copies of which argument they will be required to furnish both yourself and the principal applicant. You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary, a reply to said ar-

gument. For your information there is herewith inclosed a copy of the Department's letter above referred to.

Respectfully,

Commissioner in Charge.

Encl. 2-7.

Cherokee Freedmen

D-796.

Muskogee, Indian Territory, August 6, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated January 2, 1904, rejecting the application of Samuel Whitmire for the enrollment of his wife Lydia, and granting his application for the enrollment of himself and his six minor children as Cherokee freedmen, was affirmed by the Secretary of the Interior as to all except Lydia Whitmire, on June 27, 1904.

The Department, in its letter of June 27, states that the Commissioner of Indian Affairs recommends that Lydia Whitmire be enrolled as a Cherokee freedman. In accordance with instructions contained in said letter you are advised that you will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary, such argument as you may desire to submit in this case, copies of which argument you will be required to furnish both the principal applicant and his attorney, Edgar Smith, Vinita, Indian Territory.

Respectfully,

Encl. S-8.

Commissioner in Charge.

Cherokee Freedmen

D-796.

Muskogee, Indian Territory, August 6, 1904.

Samuel Whitmire,

Centralia, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 2, 1904, rejecting your application for the enrollment of your wife Lydia, and granting the application for the enrollment of yourself and your six minor children, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire, as Cherokee freedmen, affirmed by the Secretary of the Interior as to all except your said wife, on June 27, 1904.

In the matter of your application for the enrollment of your wife Lydia, the Department in its letter of June 27, states that the Commissioner of Indian Affairs recommends that she be enrolled as a Cherokee freedman. In accordance with instructions contained in said letter the attorneys for the Cherokee Nation have this day been advised that they will be allowed thirty days from date hereof within which to file with the Commission, for transmission to the Secretary of the Interior, such argument as they may desire to submit in this case, copies of which argument they will be required to furnish both yourself and your attorney, Edgar Smith, Vinita, Indian Territory.

You are advised that you will be allowed ten days additional within which to file with the Commission, for transmission to the Secretary of the Interior, a reply to said argument.

Respectfully,

Commissioner in Charge.

W.C.P.
J.P.
FHE.

DEPARTMENT OF THE INTERIOR,

D.C. 30163-1905.
I.T.D.5038-1904. WASHINGTON. June 13, 1905.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On June 27, 1904, the Department approved your decision in the Cherokee enrollment case of Samuel Whitmire, et al, except in so far as it affected the applicants Samuel, Earnest, Levi, Benjamin, Harvey, Blanche and Bookher Whitmire.

You were directed to notify the principal applicant and the attorneys for the Cherokee Nation of the favorable recommendation of the Indian Office as to the above named applicants, and allow said attorneys thirty days within which to file any argument they might desire, and the applicants ten days within which to reply to same.

It is desired that you report as early as practicable the date upon which you so notified the above named parties, and whether any argument has been filed in the case.

Respectfully,

(Signed) E. A. Hitchcock.

Secretary.

Cher Fr 1380

Cher Fr 1380

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I.T., May 8, 1901.

In the matter of the application of Tobias Bean for the enrollment of himself, wife and one boy as Cherokee Freedmen, being sworn and examined by Commissioner Needles, he testified as follows:

Atty Mellette, of Vinita, for applicant: present:

Q What is your name? A Tobias Bean.
Q How old are you? A About 63.
Q What is your postoffice? A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and boy.
Q What is your boy's name? A Arthur Bean, and my wife.
Q How old is your boy? A Going on 21.
Q Well you say what about your wife? A I will enroll her I guess.
Q What is her name? A Jane.
Q How old is she? A About 50.
Q Did you ever apply to be enrolled in any other tribe or nation?
A No sir.
Q Ever draw any money in any other nation? A No sir.
Q Have you been recognized by the Cherokee authorities as a Freedman? A Council recognized me once.
Q Are you on the roll of 1880? A I don't know whether I am or not, but Council recognized me.
Q How about your wife? A She is a state woman.
Q When were you married to her? A '84.
Q Is Jane Bean your first wife? A No sir.
Q Is Jane Bean the mother of Arthur? A No sir.
Q What was Arthur's mother's name? A Margaret.
Q Was she a Freedman? A Yes sir.
Q Is she living? A No sir.
Q How long has Margaret been dead? A Died in 1883.
Q You say Arthur is 21 of 20? A Going on 21.
Com'r 20 now.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Your name aint on the roll of 1880? I guess? A No sir, I guess not.
Q Did you draw Strip money? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 159 #3922 Tobias Bean, Cooweescoowee District.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined for wife and name not found;

Kerns-Clifton pay roll of citizens of the Cherokee Nation:
page 159 #3924 Arthur Bean, Cooweescoowee District.

Q Where is Caroline? A She is dead.
Q Is your wx first wife's name on the roll of 1880 you suppose, Margaret? A No sir, I guess not; I don't think it is.

1880 authenticated roll of citizens of the Cherokee Nation examined and Margaret not identified thereon.

Q Margaret Bean was the mother of Arthur Bean? A Yes sir.
Q You were married to Margaret Bean? A Yes sir.
Q Have you any proof of your marriage? A Yes sir.

JOE BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joe Bean.
Q What is your age? A 54.
Q What is your posteffice address? A Spavinaw.
Q What district do you live in? A Saline.
Q You know Tobias Bean? A Yes sir.
Q Did you know his first wife, Margaret? A Yes sir.
Q Do you know whether they were married or not? A Yes sir.
Q How do you know? A They lived together as man and wife before the war.
Q Recognized in the neighborhood as man and wife by the people there? A Yes sir.
Q Did they have any children born to them then? A No sir.
Q Before the war or after the war? A Yes sir, Caroline, Rachel and Arthur.
Q Was Arthur born to them while they were living together as man and wife? A Yes sir.

Applicant, Tobias Bean, re-called, and further examined by Commissioner Needles, testified:

Q Now, Mr. Bean, was you a slave before the war? A Yes sir.
Q Who did you belong to? A William Penn Adair.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir, I went north to Anderson County, Kansas.
Q What year did you return? A '66.
Q You been living here ever since? A Yes sir.
Q Who did you return with? A Gilbert Vann outfit.

Examined by Attorney Mellettte:

Q Where did you return to when youcame back to the Cherokee Nation? A Spring Creek.
Q What district is that? A Saline.
Q Where do you live now? A In Delaware now.
Q You own property in the Cherokee Nation? A Yes sir.
Q A place? A Yes sir.
Q How long have you held that place? A About 15 years.
Q What district is that? A Delaware.
Q Did you own a place before you owned this one? A Yes sir.
Q Where did you own any other place? A On Big Creek, Cooweescoo-wee District.
Q When did you buy your first place after coming back here in '66? A I lived on Grand River with my father five or six years; I don't know how many years exactly.
Q When did you make your first place after coming back to the Indian Territory? A First place I improved myself was on Big Creek.
Q When did you begin that improvement? A I don't know exactly; I helpedmy father improve a place in Delaware; lived with him four or five years I guess.
Q You are not certain the exact length of time you lived with your father? A No sir.

Q Then you went to Big Creek and opened a place there? A Yes sir.
Q You have held property in the Cherokee Nation ever since that time? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Tobe, you come back with Sam Vann and Gibbert Vann and Lou Martin? A Yes sir.
Q There was a fight up on Horse Creek as you come along, and you were shot in that fight? A Yes sir.
Q About how many of you were in the crowd? A I don't know, 40 or 50, I guess; big crowd of us together.
Q Some of the parties were arrested and taken to Van Buren charged with this shooting weren't they? A Not as I know of.
Q Some of those Cherokees, or half-breeds, weren't they taken down there and charged with it? A Not as I know of, I never heard of them arresting any of them.
Q Where did you go to first after that fight up on Horse Creek? A Spring Creek.
Q You went straight to Spring Creek? A Yes, sir.
Q You saw Pole Roe and Cull down there? A Yes sir.
Q Where did you go from Spring Creek? A Down on the river, on the Davis place and then come back and staid on Cabin Creek.
Q At the Island Ford? A Yes sir.
Q That's in Delaware District? A In Delaware I guess.
Q Now you located right there near Island Ford, didn't you? A Yes sir.
Q George Clark and George Scraper and Jim Benge were living down there? A I rented from Jim Benge one year.
Q Who did you rent from first year? A Nobody; my father opened up a place.
Q What was his name? A Sandy Bean.
Q You helped Sandy Bean open up a place right there? A Yes sir.
Q You came where he was living there? A He wasn't there when I first come.
Q Where did you go to when you first came down there? A I went to Spring Creek.
Q I know, but on Island Ford, who did you live with or stay with? A I stayed with Crap Lynch.
Q You were summonsed before the court down at Tahlequah in 1871? A Yes sir, I guess that's the court; Mr. Daniel's, yes sir.
Q And old Judge Bob Daniels lived near you? A Yes sir.
Q Your case was taken up and passed on there and the Court decided against you about five years after the treaty of 1866? A Yes sir, and now come they to decide against me, we went down there,- he said you boys go home, I know when you come, and we went home, and after that they got up a case against us there and put us on the doubtful list.
Q But the court decided against you? A Yes sir.
Q And every court after that decided against you? A Yes I guess they did, but I returned.

Examined by Attorney Mellette:

Q Where were you after you went to the State of Kansas? A I was in Anderson County.
Q Where is that? A That's about 50 miles above Ft. Scott at Garnet.
Q You say you came back in '66, how do you know it was '66? A That's the time it was numbered and marked off and called '66; I guess it goes by that yet.

Q How many were in your party? A I don't know, '40 or '50.
Q You mentioned a man by the name of George Vann did you? A Yes sir.
Q Where is he? A He is out there somewhere.
Q Out here (indicating crowd? A Yes sir.
Q And did Sam Vann also come with you? A Yes sir.

Examined by Cherokee Representative W.W. Hastings:

Q Tobe what year is this? '91 aint it?
Q 1891? A Yes sir, that's what everybody calls it, I guess that is it.

Examined by Commissioner Needles:

Q How old were you when you were up there at Garnet, Kansas?
Q I was 25 years old when I first went there.
Q Did you hear up there that all you colored people must be back in the year '66 in order to have your rights? A Yes sir.
Q You heard that? A Yessir.
Q And you came right back? A Yes sir.
Q And that is the reason the year '66 is impressed on your mind is it, because you knew at that time that you had to be back in '66? A Yes sir.
Q Did you know the difference then between '66 and '67? A Then I knowed '67 hadn't come yet.
Q You think you got back before '67 did come? A Yes sir, I am positive I got back before '67 come.
Q I believe you stated that you were a slave? A Yes sir, I was a slave? A
Q Born in the Cherokee Nation? A Yes sir.
Q Born in slavery? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Did you come back in January of '66? A No, sir, we didn't.
Q What mone of '66? A Along the first of September or October, somewheres along there.
Q You saw in the newspapers up there that this treaty had passed? A No; I couldn't read no papers; I just hears it; I had been a slave and wasn't allowed to learn to read.
Q Who did you hear it from? A Some of the neighbors up there, we had friends that would tell us.
Q Youarecertain you heard it? A If I hadn't heard it I wouldn't have knowed it.

Examined by Commissioner Needles:

Q It was generally talked about among you negroes up there? A Yes sir, generally talked.
Q Now when you came back in '66, was it too late to raise a crop that year? A Yes sir.
Q The first crop you raised then was in the next year was it? A Yes sir.

Examined by Attorney Mellette:

Q Did you say George Vann and Sam Vann came with you? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings:

Q Is it this George Vann you are calling? A Yes sir.

GEORGE W. VANN, being sworn and examined, sworn by Commissioner Needles, he testified as follows:

Examined by attorney Mellette:

Q Is your name George W. Vann? A Yes sir.
Q Where do you live? A Cooweescoowee District.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the 1880 roll? A Yes sir.
Q Where were you during the war? A I was part of the time to Gibson and part of the time in Kansas.
Q Do you know this man, Tobe Bean? A Yes sir.
Q You know where he was during the war? A Yes sir, I know where he was part of the time.
Q Did you see him in the State of Kansas? A Yes sir.
Q You know who he came back to the Indian Territory with? A Me and uncle Gilbert and several more.
Q Tobe Vann returned to the Indian Territory with you thereafter the war? A Yes sir.
Q What year? A Well '66 was when he come here, in the fall.
Q Fall of '66? A Yes sir.
Q Where did you settle after you came here? A Settled on Horse Creek.
Q Where did he go? A In Saline, over near Spavinaw.
Q Are you on what is known as the authenticated roll of Cherokee Freedmen? A Yes sir.
Q How have you known Tobe Bean ever since he came back to the Territory with you? A I have seen him off and on ever since that time. He married a cousin of mine; I used to go to see them once in a while, my aunt and all of them lived up there.
Q Has he ever lived out of the Indian Territory so far as you know since he came back with you? A Not as I know of; he has always lived in the same place so far as I know.

Examined by Cherokee Representative, W. W. Hastings:

Q You say you came back to this country with Tobe Vann after the war? A Yes sir.
Q Was you in that Horse Creek fight? A Yes sir.
You were along with that same crowd of people? A I was along with that same crowd.
Q Why didn't you tell that five years ago? A I did.
Q In this case? A No, I don't know as I was a witness in this case at all.
Q Did you ever tell that in any case? A I don't know as I did; if I did it is the truth.

Q Tobe Bean came along as you did? A Yes sir, got shot in the arm.
Q Was that the first time you came back here? A First time I came after the war.
Q You were along with that crowd? A Yes sir.
Q What time of the year was it? A It was in the fall, I forget whether it was in September or October; it was either the last of September or the first of October.
Q You went on horseback? A We had wagons; I drove a wagon myself; we had five or six wagons in the crowd.
Q Who else was along with you? A There was Tobe Bean, Uncle Gilbert, Jess Shaw, Eli Vann, Daniel Vann, Walker Vann, Art Bean Joe; there was a Creek fellow; I forget his name.
Q Where did you go to yourself? A Went right on Spring Creek,- lived there.
Q Who did you live with down there? A I lived with old man Dave Roe and Napoleon and Cull; Napoleon and Cull live there yet.
Q You know when you came? A Yes sir.
Q You came right along with these people? A Yes sir.

Examined by Commissioner Needles:

Q How old are you? A I am about 50 or 51.
Q You were a slave before the war? A Yes sir.
Q Who did you belong to? A Katie Vann.
Q Tobe Bean go to Kansas with you? A No sir.
Q Came back with you A Yes sir.

SAM VANN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sam Vann.
Q What is your post-office? A Chaffee.

Examined by attorney Mellette:

Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q You were out of the Territory during the war? A Yes sir.
Q What state? A Kansas.
Q You know this man behind you there? (pointsto applicant)?
A I ought to know him; been with him pretty well all the time.
Q Where was he during the war, if he was out of the nation state where? A I couldn't say where he was; he was here in the nation part of his time.
Q Where was he the rest of the time? A In Kansas.
Q You know who he came back from Kansas with? A Yes sir, came back with us, Uncle Gilbert and George Vann and us.
Q You remember that he came with you do you? A Yes sir, I remember it.
Q Where did you locate when you came back here? A On Spring Creek.
Q You came at the same time? A Yes sir.
Q How many were in your party? A I couldn't tell.
Q Was it a pretty good bunch of people? A Yes sir.

Examined by Cherokee Representative, W. W. Hastings:

Q What year did you come back? A Come back here in '66.
Q You are positive about that? A Yes sir, I am.
Q You remember whether you rode horseback back here or in a wagon? A No, I come on a wagon.
Q Where did you come to first? A After I come to the Cherokee Nation here? Why on Little Spring Creek.
Q Tobe go down there with you? A Yes sir.
Q Stay down there a year or two? A I don't know how long he stayed but he staid therequite a little while.
Q You remember that? A Yes sir.
Q You remember where all of them fellows resided that come along back with you? A Yes while, Stayed with us awhile and I don't know where they went after they come up on the river.
Q You know who Tobe Bean belonged to before the war? A Washington Adair, I think.
Q You remember that? A No, I just heard he belonged to him.
Q You are 19 years old on the 1880 roll; you are the fellow that enrolled here awhile ago? A Yes sir, I am the fellow.
Q You are 40 now? A Yes sir.
Q You were 19 in 1880? A That's right.

APPLICANT, TOBIAS BEAN, re-called, and further examined, By Commissioner Needles:

Q Are you married to your wife? A Yes sir.
Q Got any certificate of marriage? A No sir.
Q When were you married to her? A In '84 I believe.
Q Have you got anybody you can prove your marriage by? A Yes sir.
Q Were you married according to the laws of the Cherokee Nation? A Yes sir, according to the laws then; I was only married by the minister.
Q You didn't get any license? A No sir. Preacher is all the license we got then.

JOE BEAN, being sworn and examined by Commissioner Needles, testifies as follows:

Q What is your name? A Joe Bean.
Q You know Tobe Bean's wife, Jane? A Yes sir.
Q You know whether they are married or not? A I wasn't at the marriage; they have been living together as man and wife.
Q For how long? A 15 years.
Q They living together now as man and wife? A Yes sir.
Q Acknowledged in the community and neighborhood there as man and wife? A Yes sir.

APPLICANT TOBIAS BEAN, re-called, examined by Com'r Needles:

Q Tobe, who married you to Jane? A Laney Weedlay.
Q Is he living? A No sir, he's dead.
Q About what year were you married? A 84.

Com' Needles: Tobias Bean applies for the enrollment of himself and his child Arthur as Cherokee Freedmen by right, and applies for the enrollment of his wife, Jane, as an intermarried Cherokee Freedman; his name is not and the name of his wife is not found upon the authenticated roll of 1880; his name is found upon the Kerns-Clifton pay roll; and the name of his child, Arthur, is found upon said roll, he avers

that the mother of said child, Arthur, was Margaret Bean, now deceased, and he makes satisfactory proof of his marriage to said Margaret Bean; by reason of the fact that his name is not upon the authenticated roll of 1880, final judgment as to the enrolment of said Tobias Bean, and his child Arthur will be suspended and their names will be placed upon a doubtful card for further investigation; the name of his wife, Jane Bean, will also be placed upon a doubtful card, awaiting interpretation of the law as to intermarried citizens.

----:::---

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and completetranscript of his stenographic notes thereof.

(Signed) M.D. Green.

Subscribed and sworn to before me this May 5, 1901.

(Signed)C.R. Breckinridge,
Commissioner.

----:-----

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 12 day of September 1904.

J. Blampbell

Notary Public.

Supplemental/ C.F.D.-208.

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I.T., May 8, 1901.

Supplemental testimony in the case of Tobias Bean for enrollment as a Cherokee Freedman. The Cherokee Representative W.W. Hastings, present, also Attorney Mellette, of Smith and Mellette, Attorneys for Applicant.

William Foreman, being sworn by Commissioner, T. B. Needles, and examined by Mr. Mellette, Attorney for Applicant, testified as follows:

Q William Foreman, your name? A Yes sir.
Q Your age? A 68 past.
Q What is your citizenship? A Cherokee by blood.
Q A recognized citizen of the Cherokee Nation? A Yes sir.
Q Do you know Tobe Bean? A Yes sir.
Q Do you know where he was in any part of the year 1866? A He was on Lynch's prairie part of '66, in Saline District.
Q In the Cherokee Nation? A Yes sir.
Q Do you know where he had come from? A He said he come from Kansas.
Q Do you know whether he was wounded at the time you saw him- have you any recollection whatever of that? A I don't know anything about that.
Q Who came there about the time he did, do you remember, of these colored people? A His brother was with him, George Bean, Jack Bean. They came there to my place where I was living on Lynch's Prairie. There might have been others, I believe uncle Steve was there.
Q Do you remember of hearing in that year, the fall of '66, of the fight that the colored people had with some one on Horse Creek? A They were talking about it, yes sir? I don't know anything about it; I heard them talking about it.
Q Did that fight, so far as your knowledge extends, have any connection with the one that Tobe Knight was engaged in at one time, which took him to Van Buren to prison? A That was a separate fight altogether --
W.W. Hastings- How do you know that? A The fight that Bob was arrested in was the nigger that stole some horses from his grandfather.
Q When was that? A That was the spring of '67, I think it is.
Q Are you positive about that? A I am not positive; I think it was '67.
Q Anybody arrested for this other? A Not that I ever heard of.
Q Are you positive this other engagement took place in '66? A All that I know I moved on Gillstrap Prairie and rented a place of Bill Hutton, and I heard of the bush- whacking then.
Q You never heard about it at that time? A I heard it that fall about them having a fight up there some time in '66, Gilbert Vann and them, and when I moved over there in '67 on Lee Schrimsher's place, the people spoke to us about it being last year.
Q Tobe Bean never told you anything about it? A I don't know whether he did or not.

Q Nobody but Gilbert Vann? A They were all talking about it; I think it was in August, I moved away from there in September to Big Creek.
Q How long did you stay at Big Creek? A I never did move my wife there; I moved my cattle and left some boys cutting hay, and when I went back my horses and cattle were stolen, and I moved back on Cabin Creek.
Q When did you move back to Cabin Creek? A The last days of September in '66.
Q You were gone two or three weeks? A Yes sir.
Q Where is the Lee Schrimsher place? A About ten or twelve miles west of here.
Q How long did you live there? A January '67. Lee Schrimsher moved back home and I had to give his house up.
Q Are you positive you saw Tobe Bean? A Yes sir, over on the prairie.
Q Did you have anything to specially fix it on your memory that you saw him at that time A Nothing except that he come to my place of business; they bought some goods and things from me, and I talked with him.
Q You remember all colored people that traded with you that fall? A I remember them and white people too.
Q You are the person who testified ago ~~in Art Bean's~~ a minute ago in Art Bean's case? A Yes sir.
Q You are the one that admitted that you charged the Robinsons $25.00 a piece, and there are five in the family? A Yes sir, I did.
Q And that you charged others for being a witness for them? A I did.
Q What is your occupation now? A I told you I was always classed as a farmer.
Q You dont know that you have any occupation now? A No sir, I don't particularly. Do you know?
Q I am trying to find out from you? A I haven't got any that I know of.
Commissioner Needles- Have you a family now? A My childrenare all married, and I am by myself.

Lou Bean being sworn by Commissioner Needles, and examined by Mr. Mellette, testified as follows:

Q Lou Bean, your name? A Yes sir.
Q Where do you live? A In Delaware District.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q What relation are you to Tobe Bean? A Sister-in-law.
Q Married his brother? A Yes sir.
Q When did you come back to the Cherokee Nation after the war? A '66.
Q You know when Tobe Bean came? A Yes sir.
Q When? A He come along with us.
Q Where did you go to? A Went to Spring Creek.
Q Was there a fight as you were comin down? A Yes sir.
Q Where? A On Horse Creek.
Q Anybody wounded? A Yes sir.
Q Who? A Tobe Bean?
Q Where? A In the arm.
W. W. Hastings- About what time in the year did you come along? A In the fall.

Q About what month? A I don't know, about- I don't know whether it was September or October; it was in the fall.
Q Had the leaves begun to fall off the trees? A Yes sir.
Q How many were along with you? A I couldn't tell you how many.
Q About how many? A I just couldn't tell you how many; there was a whole lot of us.
Q Was there as many as five hundred? A No sir, not as many as five hundred.
Q As many as fifty? A They might have been in all.
Q Men women and children? A Yes sir.
Q Did Tobe have his f mily along? A Yes sir.
Q Wife and children? A Yes sir.
Q Were there wagons along? A Yes sir, there were wagons.
Q How old are you? A About fifty years old.
Q What was your name before you were married? A Vann.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 9th day of May, 1901.

(Signed) C.R. Breckinridge,
Commissioner.

---:---

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 12 day of September, 1904.

J Blampbell
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 12, 1901.

In the matter of the application of Tobias Bean et al for enrollment as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W. V. Hastings, of counsel for Cherokee Nation.

Jess Cochran, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes sir.
Q Did you go out of the nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road that was known as the Bob Daniels place.
Q How far xxxx was that from the place you are living? A It is about three miles.
Q On what side of the GrandRiver were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob Knight, who is a witness here in this case?
Q No sir, not that time.
Q You didn't know him then? A No sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend to catch xx the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were out to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schramsher place, and couldn't strike the track of a wagon, which I thought he had gone, and left in a wagon, and then I came northeast in the direction of Horse Creek, and I found the place that was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You make an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have any occasion to pass by this same house after that? A Yes sir.
Q About how long after this ? A It was along in about, I would say about the 10th or 15th of December.
Q Of that year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A O yes, I know it was the old man Knight place.
Q On that creek? A It was near Horse Creek.
Q When did you move away from the Thompson place on Grand River? A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroeson Horse Creek in the Cherokee Nation?

Mr. Mellette: I object to the question, as not material in this case. It is pure hearsay.

Mr. Hastings.: It is a circumstance that unquestionably ought to be admitted

Commissioner: I don't think that it is a material question.

Q Did you hear of any? A Only just hear of it.
Q Did you hear of it at that time? A Indeed?, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others? A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '68? A No sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living up from Andy Frye and Millie Frye when your father was killed in October 1st 1868? A It must have been about four miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then ? A No, I knew the others that was living there.
Q You were acquainted with all the white people who were living over there? A Yes sir, I was sir.
Q Did you ever see Tobe Bean over there that year? A I don't remember whether I did or not.

Mr. Mellette: They had a good many fights [illegible] this country about that time, didn't they? A Yes, sir, there wasn't any as I know of.

Q No fights at all? A At that time there wasn't nobody killed? A Well there was then my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could this have occurred and you not heard of it? A It might have been but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war it was people you knew.

Q Do you swear that you heard of every fight that occurred?

A Well I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I ould call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Were you well acquainted up in that country? A I was, yes, sir.
Q Up where that house stood? A Yes, sir.
Q Whose place was that? A It was known as the Knight place, it was vacant though.
Q How often had you been up in that country? A Well, I can't tell you just how often I had.
Q I just want to know how often you had been up in that country? A I had been to that place three times that year.
Q Do you remember every place; do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.
Q You can remember now every place you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.
Q You just passed by these place in question? A Yes, sir.
Q Came right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father when I first got acquainted with the place.
Q Who was with you the last time? Tom Thompson and old man Johnson.
Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.
Q Were you driving or riding? A In a wagon.
Q You stopped at the spring and passed on; is that all you did? A Yes, that was all about we done.
Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66, how do you remember it; you didn't have to get back? A Me, no, sir.

Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You say you started out to hunt the people that killed him? A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes sir.
Q What year was it Tom Thompson was with you ? A In December, as I said, about the 10th or 15th.
Q You remember now it was the 10th or 15th of December? A Yes sir.
Q How do you happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Neosho to get some groceries.
Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might it not have been in November? A No, sir, it wasn't in November.
Q When did you have your attention called to this time before this; never thought of this till since this freedm n court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton Court.
Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.
Q The Clifton Courtis the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.
Q You testified to the same facts before the Clifton Court you testify to now? A Yes sir, as near as I can remember.
Q What do you know about it; do you think you gave the same testimony then you do now? A I do.
Q Do you remember about Al Lynch getting shoxt, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.
Q What year was it? A It was in '66.
Q You are certain of that? A Yes, sir, I let him have the whiskey he got drunk on.
Q Well now you know it was in '66 that Mose Bean show Al Lynch do you Mose Whitmire show Al Lynch? A Yes, sir.
Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.
Q Didn't you go down to Dave Rowe's and tell them ~~xxx~~ Mose Whitmire had shot Al Lynch? A No, sir.
Q You didn't ? A No, sir.
Q You are certain of that? A Yes, I had nothing to do with it.
~~Q Didn't you go down to Dave Rowe's and tell them Mose Whit~~
Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir I didn't.
Q You will swear that? A Oh yes, I never carried any such news.
Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.
Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.
Q You hadn't mentioned it down there at all, you knew where Rowe lived didn't you? A Old Man Dave Rowe?
Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, it was on the road down there.
Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.
Mr. Hastings: What official posisitions, if any, have you held?
Q Well, I have helo the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.
Q Delegate to Washington? A Yes, sir.

♦♦♦♦♦♦♦♦♦♦♦♦

R. D. Knight, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A R. D. Knight.
Q What is your age? A 54.
Q Where do you live? A Now, I live in Vinita.
Q How long have you lived there, a matter of years? A 25 years.
Q Are you a citizen of the Cherokee Nation by blood? A Yes sir.
Q Did you live in the Cherokee Nation before the war? A Yes, sir.
Q You live in the Cherokee Nation after the war? A Yes sir.
Q Were was the first place that you lived in the Cherokee Nation after the war? A On Horse Creek.
Q What district is that in? A Delaware district.
Q Was there any road that run by your place at that time? A The old military road, we used to call it.
Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.
Q Where were you taken? A Van Buren.
Q What were you charged with? A Killing some negroes that was passing down the road there.
Q Well, had some negroes passed your place prior to that time? A Yes, prior to my arrest.
Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard that there was three, I don't know.
Q Any others wounded? A There was one, I don't know, that is only from hearsay, I was told that he was fired at, but I didn't see he was struck.
Q Did you see the shooting? A Yes, sir, some part of it, the first two or three shots I didn't see.
Q Several colored people about? A Yes, I think there must have been fifty or more, I dare.
Q Did you learn later at that time or afterwards, who composed that crowd? A Yes.
Q Well, who?
Mr. Mallette? A Holden; I don't know who they was.
Q Did you know any of them? A I saw the most of them, but I didn't know their names.
Q Did you ever talk to Tobe Bean about it afterwards? A I don't remember that I ever did about that, I remember we had a little remark some time, I don't know whether it was ever anything said between us about it.
Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?
Mr. Mellette: I object to that; it is an improper question.
Q Did you learn that? A Yes sir.
Q How soon afterwards? A It was early in the spring after my arrest in the winter; two or these parties that came to my house--
Mr. Mellette: I object to that, no hearsay evidence.
Q Did they talk over the fight that had occurred there prior to that? A Yes, sir, they told me they were in it.
Mr. Mellette: Hold on, I object.
Q Who was that? A Who was that came to my house?
Q Yes? A A young man by the name of Lem Smith and a man named John Willis.
Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.
Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.
Q You saw the killing, did you, the shooting? A Yes, sir.
Q Now you know when that was? A Well, to the best of my recollection, it was in probably the [illegible], I am not positive, I can't do it.
Q But that is to the best of your judgment? A That is my best judgment.
Q And you were afterwards arrested and accused of it? A Yes sir, in the following December, the latter part of December.
Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.
Q And that was on the military road, was it? A Yes, sir, on the military road.
Q About how far, Mr. Knight, is that place from where the old Johnson Thompson [illegible], or Ketchum place is, on Grand River? A Well, it is in the neighborhood of two miles, a little more or a little less, I don't know just what we do call it.
Q The military road runs right by it? A Right by the Thompson place.
Q By your place I mean? A Oh yes.
Q I will ask you whether or not this man Tobe Bean was ever talked to you about being shot at that place? A Well, I am not certain but that something might have one day, I think I remember, that he said something about being in that fight, or something about being shot up there in '66, and that he was the fellow that [illegible] in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.
Q That is your best judgment, it was Tobe Bean, the applicant?
Q Yes sir, I think that is the remark, I don't know, I only had a word or two at the time, I never knew since that time that he was one of them until that time, I knew his name, but I didn't know him, I could have picked him out.
Mr. Mellette: Mr. Knight, did you say that you were arrested for killing the men that were killed in the Horse Creek fight? A Yes, sir.
Q Who were the men you were arrested for killing? A The men I was accused of killing?
Q Yes? A The only killing that was [illegible] that I know of.
Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.
Q You would not be arrested for killing a man that wasn't killed; there is somebody [illegible] charged in killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fi[illegible] A It was the killing there at the place.
Q It didn't say that though in the warrant, it just said so and so charged with feloniously and wilfully killing who? AI don't know who they were, I don't remember the names of them.
Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems that I was arrested for killing somebody, I don't know.
Q How far did you live from Timbered Hill? A Which Timbered Hill?
Q This one up here By Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.
Q Were you not arrested for killing some colored men up there?
A No sir.
Q Isn't that the case you were arrested for? A No sir.
Q Isn't that a fact? A No, sir.
Q You remember them being killed up there? A No, never heard of it.
Q Now Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.
Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, when I stepped out to wash my face for Breakfast, and one with the nameHolloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

------:------

J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A J. C. Trott.
Q What is your age? A 62.
Q What is your post office? A Vinita.
Q Are you a citizen of the Cherokee Nation? A I am.
Q By Blood? A Yes sir.
Q How long have you lived in the Cherokee Nation, before the war?
A Yes sir.
Q Did you go out during the war? A I did.
Q When did you come back to the Cherokee Nation after the war?
A In the spring of '66.
Q Where did you live that Spring? A On Russell Creek.
Q How far is that fr[illegible] Chetopa Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek.
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, [illegible] at the mouth of Horse Creek on Grand River.
Q Do you know the applicant, Tobe Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, [illegible] did you or did you not hear of the circumstance of some colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.

Tobias Bean---8.

Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65 in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back herein '66? A It was in the spring.
Q In the spring of '66; how do you come? A In wagons.
Q Travel through the country? A Yes sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line south of Chetopa.
Q Which way did you come, come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q Who else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then, how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside of the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66 ? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time? A Lived at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of from about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q They were troops come from Van Buren, did they? A That is what they said.
Q Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
Q I don't know anything about it.
Q You saw the troops all right, did you? A I did.
Q How many? A Seemed to me like about 20 or 25.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.

Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to you attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.
Q How did it happe to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well, I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept it in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That is the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1863.
Q '63? A Yes, sir.
Q You don't mean that? A Ys, sir, '63. I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
Q I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month was it in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q Q You can't hit it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1-63, the first part of '63 is in the winter and the last part is in '63; was it the first part of '63 or the last part? A I think it is in the first part.
Q You are satisfied of that? A I am satisfied of it positively.
Q You are not as well satisfied of that as you are that Horse Creek fight was in the fall of '67? A I know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the time you were not in, isn't that true? A The other hasn't been quite a long.
Q There has been about three years difference.

G. W. Clarke, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A G. W. Clarke.
Q What is your age? A My coming birthday, I will be 69.

Q A citizen of the Cherokee Nation by blood?A Yes, sir.
Q You lived in the Cherokee Nation before the war?A All my life.
Q You were in the army, were you? A I was in the northern army.
Q Where were you mustered out? A I was mustered out in Fort Gibson on the last day of May, 1865.
Q Where did you live the rest of the year of 1865? A I lived on the river.
Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.
Q Where did you live in the year 1866, make a crop?
A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place.
Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 12 miles.
Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, to through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.
Q After the war, Mr. Clarke, in the year of some colored people being in a fight and getting killed on Horse Creek, did you hear of the circumstance?A Yes sir, I heard of the fight they said there was some xxxxxx colored people killed there, there was a young colored man passed my place and told about it, along in Sept , as well as I recollect, it was early in the fall.
Q Where were you living when you heard of that incident?
A I was living in the Six Mile Bottom in the fall of 1867.
Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time; Art Bean, very good men too.
Mr. Smith: Judge Clarke, you don't know what fight that you was heard of in '67? A I only know they had some wild run on some colored people and there was a fight up there, and I disremember none of them was killed in the fight.
Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it had been so long ago.
Q It was right hard to remember about a fight at that time?
A Yes, sir.
Q Have a good many? A Yes, sir, a plenty.
Q You don't know what fight that is you are testifying about?
A That is what made me bring it to mind, so many runs on some colored people up there, that was all.
Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.
Q Did you hear about what place on Horse Creek that fight occurred?
A I don't know as I did, it was so long ago, only it was up on Horse Creek, they were just running in the fight as the way I understood it.
Commissioner: You don't know anything about the fight of your own knowledge at all? A No, sir, only what I heard.
Q After you got to hear with your testimony it wouldn't amount to much as a fight anyhow? A No.

T. J. Monroe, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.
Q How old are you? A 48.
Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.
Q You were born before the war? A Born in 52.
Q Where did you live before the war? A Lived on the line of the Osages and the Western line of the Cherokee Nation, near the Osage lands.
Q Did you go out of the Nation during the war? A Yes, sir.
Q To what place did you return after the war? A A place known as the Bemo place on the Grand River, east of Grand River, in Delaware district.
Q How far was that from Horse Creek? A It was ten or 12 miles.
Q Do you know where the old Knight place was on Horse Creek?
A Yes, sir.
Q How far did you live from that? A It was about ten or 12 miles I think.
Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?
Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 15 or 16.
Q When did you move to that place after the war, in what year?
A Sometime in February, 1866.
Q February of 1866? A Yes, sir.
Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek?
A Yes, sir.
Q When did you hear of that? A The next year, not sometime in the summer or fall, I don't recollect just what month.
Q What year? A Of '67, we lived there on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?
A Yes? A On the Stand Waite place, on the west side of the Grand river.
Q How far were you living from Horse Creek? A Couldn't have been over east four or five miles.
Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.
Q Was it before Christmas or after Christmas? A I think it was after Christmas.
Q That is you moved it to stay? A Yes, sir.
Q Where did you move from? A From the west side of the river, from the Bozer place.
Q How long did you live there? A From [illegible] until we left I think in January, sometime in the winter time.
Q What year did you move to the Bozer place? A In '66.
Q What time in the year? A I think it was in February.
Q Where did you move from? A We came from the Choctaw Nation on Kiamichi.
Q When did you come? A [illegible] of '65.
Q Where did you come from in the Choctaw Nation? A We left the Choctaw Nation in 65 either in the [illegible] part of the year, I [illegible] what time? A '65.
Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose?
A I have something to remember by?
Q You didn't have to get back here by '66? A No, sir.
Q There wasn't anything to impress it on your mind? A If you will let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and we sold our crop in the field before we gathered it and started back to the Cherokee Nation.
Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.
Q About 13 years old? A About 13 in '65 I think, if I am not [illegible].
Q And still you remember those events? A I remember it pretty well, [illegible].
Q You [illegible] to the Baptist Mission Farm, 1866? A I think it was the Fourth, I [illegible], but I [illegible].
Q How [illegible] and Webber place?
A Well, [illegible] I [illegible].
Q O[illegible]? A Yes, sir, [illegible].
Q A[illegible], '63 [illegible]? A I [illegible].
Q D[illegible]? A No, sir.
Q W[illegible] occurred, since [illegible] time? A Since [illegible]?
Q Yes; [illegible] occurred since [illegible] ? A I don't believe [illegible]. I [illegible].
Q Since [illegible] Mr. H[illegible] Mr. Bell [illegible] it? A Yes.
Q A[illegible].
A Yes, I [illegible].
Q E[illegible].
Q T[illegible]? A I [illegible].
Q A[illegible] occurred [illegible], [illegible]? A Yes, sir.
Q You [illegible]? A Of course I [illegible].
Q Ho[illegible]? A Yes, sir.
Q Al[illegible] 35 years [illegible]? A A[illegible], [illegible], [illegible], [

Tobias Bean 13.

Q Can you remember every time a man has brought a horse to you since '66? A No, sir; I didn't have any horses then.
Q Didn't have any horses at all? A No, sir, didn't have any horses at all.
Q You had farmed one year on the Bozer place? A Yes sir.
Q What did you farm with? A A little yoke of stagg.
Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.
Q You are a senator from Delaware district? A Yes, sir.
Q You have been senator before? A Yes, sir.
Q Been Sheriff of your district? A Sheriff xx one time and senator two terms.

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-214; Joseph Bean, D-215, Lucy Bean, D-290; Lewis Martin, D-289, and Fannie Hiett, D-207.

Bruce C. Jones, [illegible] July [illegible], says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Bruce C. Jones.

Sworn to and subscribed xx before me this the 22nd dx of June 1901.

(Signed) T. B. Needles,
Commissioner.

Edith L. Money, [illegible] says that as stenographer to the Commission to the Five Civilized Tribes, he has transcribed the above and foregoing record, and that the same is a true [illegible]

Edith L. Money.

Subscribed and sworn to before me this 1st day of September, 1904.

J. Blanchard
Notary Public.

File with Cherokee Freedman D-205, Tobias Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicants.

Appearances:
Mellette & Smith, attorneys for applicant.
W.V.Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.
Mr. Mellette: I am going to offer some additional testimony.
Mr. Hastings: What for?
Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.
Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was done brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not a new matter, and the testimony then in roduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.
Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Mellette: What is your name? A Mary Brown.
Q How old are you Mrs. Brown? A I don't know my age exactly.
Q Give an idea.? A About 60.
Q Are you a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.
Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.
Q How long have you lived on Grand River? A About 17 years, down there.
Q Where did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.
Q Where was your home at that time? A About one mile and a half further north of Prairie City, that is the name of the place now.
Q Is that a point up here close to Fairland? A Yes, use to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.
Q How did you first learn of that? A There was some men came to my house to stay all night.
Q Who were they? A Kinch West and a band of men.
Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.
Q How many were in that party? A I can't tell you positive.
Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.
Q Did you hear anything further about it after theycame to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.
Q Where was that? A Somewhere on the Military road near Horse Creek.
Q How far was that from your house? A About six miles.
Q Now when was that, Mrs. Brown, that Kinch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66 in the fall of the year.
Q How do you know it was in the fall of the year? A Because it was getting cold weather.
Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was in the fall following.
Mr. Hastings: Did you ever have any other children born? A Yes sir
Q When? A Different times.
Q Well, whenwas the next one born?A Next one, well I am not able to answer that.
Q Well, whenwas the next one born? A In 1870.
Q That was the second one after this one? A Yes, sir.
Q When was the third one born ? A I can't tell you that.
Q Did you have any more since then? A Yes, sir.
Q How many children you got? A 15 in all.
Q How do you know what happens in september always after your children have been born? A No, sir.
Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.
Q When were you married? A I can't tell you that.
Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.
Q Never heard of it? A No, sir.
Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.
Q You didn't know anything about the date? A I didn't know it was about the date.
Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.
Q Where do you live now? A I live at the Bowling Ferry place.
Q What is your husband's name? A Jim Brown.
Q What was your maiden name? A Mary Miller.
Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.
Q Now when was you r second child born? A The second one was born in '63.
Q When was the third one born? A The third one was born May 26.
Q Of what year? A In 1866.
Q When was the next one born? A I don't know that.
Q Now when was the fifty one born? A He was born in 1870.
Q When was the sixth one born? A I don't know that.
Q When was the seventh one born? A I don't know that?
Q When was the eighth one born? A I don't know that.
Q When was the nineth one? A Well, I don't know that.
Q When was the tenth one? A I told you I didn't know.
Q Eleventh one? A I don't know that.
Q Twelfth one? A I don't know, I can't count them, all of them.
Q Don't know? A No, sir, I am no scholar.
Q Where was Bob Knight livi at that time? A I can't tell you just exactly.
Q How far did you live from him? I believe he lived on the old Military crossin on Horse Creek, I wouldn't say positive.
Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.
Q And that was the distance, was it? A About ten or twelve miles
Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't over there at that time, the Knight place? A I had passed the p .
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these Perkins at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don,t know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Is it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the line was.
Q And West is down, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q You remember of these men that were killed down there in Inch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

Bruce C. Jones being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 25th of October, 1901.

(Signed) C. R. Breckinridge,
Commissioner:

----:-----

Edith L. Morey, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 17 day of September 1904.

J. A. Campbell
Notary Public.

File with Cherokee Freedman D-208, Tobias Bean.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25, 1901.

In the matter of the application of Tobias Bean, et al., for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants:

Appearances:
Mellette & Smith, attorneys for applicants;
W.W. Hastings, of counsel for Cherokee Nation.

N.B. ROWE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A N. B. Rowe.
Q What is your post office, Mr. Rowe? A Rose.
Q What is your age? A 52.
Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.
Q Are you a Cherokee Indian by blood? A Yes sir.
Q Were you out of the nation during the war? A No, sir.
Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.
Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.
Q Did you know a colored man named George W. Vann? A Yes, I know George.
Q Which George is it you know? A I know George Vann, lives on Spring Creek.
Q Spring Creek George, sometimes called Spring Creek George? A Yes sir, Spring Creek George.
Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well, sir, there was a fight down there to the best of my recollection it was in '66, fall of '66.
Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.
Q What knowledge have you that they were killed? A What knowledge have I?
Q Yes; did you see them? A Yes, I saw the dead men afterwards, saw Bullet holes in them.
Q Do you know whether ~~xxxxxx~~ they were buried or not? A Yes, they were buried at Aunt Katie Williams place.
Q Who were the men? A Well I don,t just recollect the names but I think one was named Phil something, I heard the name, a fellow that I didn't know.
Q Were they colored men? A Yes, sir.
Q Who helped to bury them? A A whole lot of colored fellows buried them there.
Q ~~Can you think~~ of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.
Q How many more do you think there were besides those you mentioned
A I don't know, I never counted them.

Q Do you know what was ever done about that after, whether anybody was ever arrested or not? A No, sir, I never knew whether anybody was arrested about it.
Q Well, was the George Vahn that you speak of, state whether or not he was the man that you spoke of a while ago as Spring Creek George? A Yes, Spring Creek George was there.
Q Was he one of the men who helped bury these colored men?
A Yes sir.
Mr. Hastings: You are not positive are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '66.
Q That is just the best of your judgment? A Yes, I am pretty tolerably certain about it, it was '66.
Q What time of the year do you think it was? A Along in september
Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.
Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.
Q How old were you then? A I guess I must have been 16 or 17 years old.
Q Just a lad of a boy? A Yes, sir.
Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.
Q There was no date to mark your return by? A No.
Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.
Q You were not up there when the fight occurred? A No, sir.
Q You ever testify to these circumstances before.? A No, sir.
Q You were not arrested for it? A No, sir.
Q Have any interest in it? A I wasn't xx interested any way at all
Q You werenot taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-312, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, and D-641.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he collectly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof. (Signed) Bruce C. Jones.

Sworn to and subscribed before me this 3rd day of November, 1901.
(Signed) T. B. Needles
Commissioner

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this 12 day of September 1904.

J. Blanchard
Notary Public.

FILED

MAR 31 1902

R

C.F.D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March3,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita,I.T., attorneys for the Applicants;
W.W.Hastings, of atterneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
QWhat is your name? A C. D. Markham.
Q Where do you live? A Ta Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a kxy fight up on Horse Creek? A Yes sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darky came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Verylittle, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes sir.
Q After you came back from Texas did youhear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No sir, I don't remember these.
Q You don't know either about Tobe Bean being in it? A No sir.
Q You never saw Tobe Bean at the time? A No sir.
Q You don't knew what place on Horse Creek it was? A No sir.
Q That is all you knew about it? A Yes sir, that's all.
Q You don't know whether thatis the one that Tobe Bean was in or not do you? A No sir.
BY MR. MELLETTE:

Q You know whether George Bean was in that fight or not? A No sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family?? A Yes sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old areyou? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes sir.
Q What place were you? A Well I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January 1867.
Q You mean was it in December '66 or along there in '67? A Yes sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q How do you know George Vann?A I do.
Q Did you see him along about that time? A Yes sir.
Q where? A I saw him there at this time.
Q While you were taking these claims? A Yes sir.
Q This colored man George Vann is the one I mean? A Yes sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q Whatis your name? A S.S.Stephens.
Q What is your age? A I am about 64, years old, 63 or '4.
Q Are you a Cherokee by blood? A Yes sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people xx that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tellyou how I got information through George Vann.
BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.
BY COMMISSION: Answer the question.

A I met George Vannin Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country; and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.
Q What year was that? A That was '66; I wrote the order myself, I remember making the order for more, I was elected school superintendent,-
Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.
Q Whatinformation did youget from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.
Q What year was that? A That was in the fall of '66 as near as I can remember.
Q And you don't know the time? A Yes sir.
Q You wrote the order for George VannAfor Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, andin point of fact they carried it a little further.
Q Did you ever hear from any other source except George Vann the fact of theire having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.
Q Did you know Tobe? A Tobe, I mean, I know them well.
Q Did Art and Tobe talk to you about the fight? A Yes sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in theparty.
BY MR. HASTINGS:
Q When did they tellyou that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the ~~xxxxxxx~~ directors and I was instructed to locate no schools only among those who were actually citizens.
BY MR. MELLETTE:
Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.
Q Did you talk to them in '66? A Yes sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.
BY MR. HASTINGS:
Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes sir.
Q You were around with us a good deal of that time? A Yes sir.
Q This case of the Horse Creek fight was at that time a burning question? A Yes sir.
Q Also a great many witnesses were introduced on both sides? A Yes sir.
Q There was a great deal of discussion about it? A Yes sir.
Q Did you ever go on the stand and testify at that time? A No sir.
Q Did you ever tell me, one of the representati ves of the Cherokee Nation at that time the facts you knew and now testify about? A No sir.
Q Never told any one about it? A No sir. You requested me at Claremore to see Tip Mayes, and I had a conversation with him and his conversation was what I told you I think.
Q You told me about it? A Yes sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.

Q And I sent you over there? A Yes sir.
Q And you came back and told me it wouldn't do? A I came back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes sir.
Q Well you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A W as with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Beam in '66? A Yes sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q He was living there? A Yes sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No sir.
Q Never was convicted? A No sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

I,M.D.Green, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of my stenographic notes thereof.

M D Green

R.
C. F. D-[illegible].

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1908.

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:
McBride & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.
Q What is your age? A I was 58 years old the 22d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 13th, I think. I put a wagon tongue in in the shop on the 12th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and portion of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Owen's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen himthere, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those [illegible] I knew him from 1867 to, I think it was 1868, that [illegible] had to arrest him on some kind of a charge, stealing a horse or a cow, I forget which. 1.

Q Did he run away?
A Yes, but they caught him and brought him back, but did not appear against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.
Q That was in 1869? A Yes sir.
Q Did you know him continuously from 1867 to 1869.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Peyt's wife? A Yes sir.
Q Did you know who he married?
A A girl by the name Hannah Sheals.
Q Do you know a brother of Oneatie Martin's, Jack Bean?
A Yes sir, I know him too.
Q When did you first know him?
A It could not have been later than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneadie Martin.
Q When did you know him first?
A He was there around the shop all, the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1866 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she ome to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or '78. I forget which it was.
Q Where was Oneadie Martin in 1867?
A Lived on Roach's place, right south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866. 3.

Q When did you move to Kansas? A Moved in 1867.
Q Was Neadie Martin in Kansas when you came there? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago has it been? A Since 1867?
A Thirty-three or -four years.
Q When were you first asked to remember back that far as to these people?
A Never asked to remember back to that people.
Q When were you first talked to about being a witness in this case?
A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole slough more of them that live there.
Q Why do you remember their names so distinctly?
A They worked for me. This Neadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at one time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-386, D-389, D-390, D-412, D-806, D-288, D-656, D-657, D-658, D-911, D-940, D-304, D-313, and in the case at bar.

I, Wm. Hutchinson, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes, I correctly recorded the proceedings in this case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

S. Wm. Hutchinson.

The [illegible], being duly sworn, states that as stenographer to the Comptroller of the Five Civilized Tribes he carefully compared the above copy and that the same is a true and complete copy of the original.

E. L. Fehrenbacher

Subscribed and sworn to before me this 14th day of April, 1908.

Notary Public

FD. 205.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 1st, 1902.

In the matter of the application of Tobias Bean et al for enrolment as Cherokee Freedmen.

SUPPLEMENTAL TO D-205.

Cherokee Nation represented by W.W. Hastings.

STIPULATION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the attorneys for the applicant, Nellette Smith, Vinita, Indian Territory, that it would, at Muskogee, Indian Territory, on the 1st day of May, 1902, introduce testimony tending to disprove the right of the said Tobias Bean and others to be enrolled as Cherokee Freedmen. The applicant and his attorneys have this day been called and fail to respond either in person or by attorney.

[illegible] A. CAMPBELL, being first duly sworn, testified as follows:

Mr. HASTINGS: What is your name? A George A. Campbell.
Q What is your age? A 55 years.
Q Your post office is Garnett, Kansas? A Garnett, Kansas.
Q Did you live there before the war? A Yes, sir.
Q Did you live there for the first few years after the war? A Yes, sir.
Q Did you know a colored man by the name of Tobe Bean? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Sandy, we called him, I don't know whether that was his proper name or not; that's what he went by.
Q Did he have any brothers? A Yes, sir.
Q Name them? A Well I can't name them all.
Q Well, those that you remember? A There was Tobe and George, I can't name them, there was six or seven, of them.
Q Well where did they live when you knew them? A They lived a part of the time on Judge Sprigg's place and part of the time on Bill Springer's place, and Springer's place is about three-quarters of a mile from where I live, and Sprigg's place is about three miles, but in '68 they lived on Bill Springer's place.
Q These Beans? A Yes, sir, just right near to me, three-quarters of a mile from where we lived.
Q Why do you fix the date of '68? Well because I remember that is the year I married in, and I know they lived in there.
Q What was the exact date of your marriage? A The 6th day of March.
Q Of '68? A Yes, sir.
Q You know that Tobe had a number of other brothers whose names you don't remember? A Yes, sir, I don't remember the names.
Q Do you know whether one was named Art? A Yes, sir, there was an Art and there was a George.
Q Was there a John? A Well I ain't sure, but I tell you I worked with them, and they worked for my pa and you know a good deal and I was right with them you know, but I know they was there, paid them on Saturday nights, you know, and I know they lived there, they worked for my pa a good deal for a while, a good deal of help done you know.
Q You know whether they were living there as late as '78? A Yes, sir. I know they were living there.

COMMISSION: When did you first meet them, Mr. Campbell? A Well, right away after the war, along in '65, let me see, I was descharged the 18th day of August, 1865, and I think they was there when I went home.
Q Are you positive that they were there when you went home? A Yes, sir, they were, yes, sir, lived on Judge Springg's place, that was inabout three miles of us.
Q And they continued to live there in '65? A Well they lived over there on Springer's place about three-quarters of a mile from us along in a year or two, they lived up on Springer's, and then they moved to Springg's place, and they left Springer's place and come south to the Territory.
Q You don't know whether or not they had ever been south during that time before? A Well I think not, not that I know of.
Q Do you know whether they had or not? A No, I think not.
Q You are not sure about it? A No, but then I am pretty positive they wasn't.

---:---

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Groninger.

Subscribed and sworn to before me this 18th day of May, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this 12 day of September, 1904.

J. Blampbell

Notary Public.

XD203

F. D-205.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 18, 1907.

In the matter of the application of Tobias Bean for the enrollment [illegible] and others as Cherokee freedmen.

SUPPLEMENTAL NO D-205.

APPEARANCES:
Mellette & [illegible], for applicants.
W. W. Hastings, for Cherokee Nation.

W. WARREN: [illegible] objection offers in evidence [illegible] the Circuit Court of the Cherokee Nation in 1871, as found recorded in a book taken from the Executive Department of the Cherokee Nation, entitled "Docket of doubtful cases of freedmen citizenship tried in 1871," said entry being further taken from Saline District, doubtful colored roll, No. 68, as follows:

"Tobe Bean.
Decided against claimant June 8, 1871."

The [illegible] offer this in evidence for the purpose of showing that within five years after the treaty of 1866 that a court of competent jurisdiction heard the application of Tobe Bean to be enrolled upon the provisions of the treaty of 1866, that at that time witnesses were alive and available who could be noticed to appear before the court to testify as to the time of the nativity of the applicant, and after all that testimony was introduced the court found that the applicant, Tobe Bean, was not a citizen of the Cherokee Nation.

MR. SMITH: The counsel for the applicant objects to the offer of the above testimony for the reasons, first, that it does not appear from the matter offered that any trial was ever had or even that the Tobe Bean mentioned in said entry was ever before the court; that a single step prerequisite to the condition of a valid judgment was ever had, and because the testimony as herein offered is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because there is no showing that the Tobe Bean mentioned in the entry offered is identical with the applicant Tobe Bean, and because it does not appear that there was a valid proceeding, and further because it is incompetent to prove that record of the Cherokee Nation in the manner [illegible] herein sought to be used.

Arthur [illegible] Cunningham, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes, and that he took the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur [illegible] Cunningham

Subscribed and sworn to before me this 28th day of May, 1907.

[illegible]
Notary Public.

F. D. 205

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190

Given under my hand this ..... day of ..... A. D. 190

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190...

.....
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 15 1902

NOTICE!

IN THE MATTER OF the application of Tobe Bean
for enrollment as Cherokee Freedmen:
Case No. F. D 205

To Tobe Bean or Mellette & Smith his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on May 15, 1902, at 8 o'clock A. M or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this May 14, 1902.

W. W. Hastings

Jas. L. Davenport

Attorneys for the Cherokee Nation.

32 F. 1805

IN RE
THE DEATH OF

Luther Bean.

a citizen of the

Cherokee Nation.

Approved March 4 *1903*

Commissioner

32 F. 10215

IN RE
THE DEATH OF

Ruthie Bean.

a citizen of the

Cherokee *Nation.*

Approved May 4 *1903*

Commissioner

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Cuthrie Bean.
(Here insert name of deceased)

a citizen of the Cherokee Nation, who formerly resided at or near

Vinita, Ind. Ter., and died on the 15th day of
(Here insert name of post office)

Jan. 1903.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cuthrie District.

I, Sobian Bean, on oath state that I am 65 years of age and a citizen, by adoption, of the Cherokee Nation; that my post office address is Vinita, Ind. Ter.; that I am
(Here insert name of post office)
(State relationship as the father an uncle, a cousin etc.)
was the father of Cuthrie Bean.
(Here insert name of deceased)

who was a citizen, by adoption, of the Cherokee Nation;
and that said Cuthrie Bean died on the 15th day of
(Here insert name of deceased)

Jan. 1903.

his
Sobian / Bean
mark

WITNESSES TO MARK:

(Must be Two Witnesses) J. D. Berry
Edward b Tuck.

Subscribed and sworn to before me this 4 *day of* March *190*3.

John O'Reason
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, , on oath state that I am
years of age, and a citizen, by , of the Nation;
that my post office address is Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with
(Here insert name of deceased)
who was a citizen by , of the Nation;
and that said died on the day of
(Here insert name of deceased)
, 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this..... day of.....190....

Notary Public.

32 F 205.

IN RE
THE DEATH OF

Luther Bean.

a citizen of the

Cherokee *Nation.*

Approved April 7 *1903*

C. R. Breckinridge
Commissioner

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 17 1903

CHAIRMAN

F. 1380

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Arthur Bean Jr.
(Here insert name of deceased)
a citizen of the Cherokee Nation, who formerly resided at or near
Vinita
(Here insert name of post office)
, Ind. Ter., and died on the 15" day of
January 1903

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Tobias Bean, on oath state that I am 66 years of age and a citizen, by Treaty, of the Cherokee Nation; that my post office address is Vinita
(Here insert name of post office)
Ind. Ter.; that I am 'Fa'ner (state relationship as the father, mother, grandson, etc.) of Arthur Bean Jr.
(Here insert name of deceased)
, who was a citizen, by Treaty, of the Cherokee Nation; and that said Arthur Bean Jr.
(Here insert name of deceased)
died on the 15" day of January, 1903

Tobias, his mark, Bean

WITNESSES TO MARK:
(Must be Two Witnesses)
Geo E. McCulloch
John Bean

Subscribed and sworn to before me this 17" day of April 1903

Geo. E. McCulloch
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, George Blair, on oath state that I am 24 years of age, and a citizen, by blood, of the Cherokee Nation; that my post office address is Sparinaw
(Here insert name of post office)
Ind. Ter.; that I was personally acquainted with Arthur Bean, Jr.
(Here insert name of deceased)
who was a citizen by Treat., of the Cherokee Nation; and that said Arthur Bean Jr.
(Here insert name of deceased)
died on the 15" day of January, 1903

George, his x mark, Blair

WITNESSES TO MARK:
(Must be Two Witnesses)
Geo E. McCulloch
S. H. Bean

Subscribed and sworn to before me this 17" day of April 1903

Geo. E. McCulloch
Notary Public.

My Com Exp Apr. 22 1903

Cherokee Freedmen D 205

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tobias Bean for the enrollment of himself and minor child, Arthur Bean, as Cherokee Freedmen:

D E C I S I O N

The record in this case shows that on May 8, 1901, Tobias Bean appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of himself and minor son, Arthur Bean, as Cherokee Freedmen. The application also included Jane Bean, wife of the said Tobias Bean, who claims right to enrollment as a Cherokee Freedman by intermarriage but, the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Jane Bean is not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on May 8, 1901; at Chelsea, Indian Territory, on June 12, 1901; at Vinita, Indian Territory, on October 11 and 25, 1901; at Muskogee, Indian Territory, on March 3, May 15 and 19, 1902. The testimony taken at Muskogee, Indian Territory, on April 3, 1902, in the case of Neatie Martin, Cherokee Freedmen D 213, is filed with and made a part of the record herein.

The evidence shows that the applicant, Tobias Bean, was the slave of a Cherokee citizen at the commencement of the rebellion; that, during said rebellion, he left the Cherokee Nation but returned thereto in 1866.

It appears from the evidence that the fight, commonly known as the "Horse Creek Fight", in which the applicant, Tobias Bean, was wounded, occurred in the fall of 1866, and this is strengthened by a certified copy of orders furnished by the War Department, from which it appears that a detachment of soldiers was sent out from Fort Gibson, Indian Territory, on October 9, 1866, with orders to proceed to Horse Creek, Indian Territory, and to arrest or kill a band of murderers who infested that neighborhood. A copy of said orders is filed with and made a part of the record herein.

The evidence further shows that the said Arthur Bean is the minor child of the said Tobias Bean; that the said Tobias Bean has continuously resided in the Cherokee Nation since his return in 1866; and it is considered that the residence of the said Arthur Bean has been the same as that of his father.

It is, therefore, the opinion of this Commission that the said Tobias Bean and Arthur Bean should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 1904

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

In the matter of the application for the enrollment of Tobias Bean as a Cherokee Freedman.

Cherokee F. D. 205.

P R O T E S T.

Comes now the Cherokee Nation and protests against the decision of the Commission rendered in this case and prays an appeal to the Honorable Secretary of the Interior.

S T A T E M E N T.

The testimony in this case shows that the principal applicant Tobias Bean was 63 years of age at the date of making his application in May 1901 and that he claims to have returned to the Cherokee Nation in the fall of 1866; he swears that as they returned to the Cherokee Nation he was wounded in a fight on horse creek which he identified by other witnesses as being at the old Knight place. Of course his testimony is in his own interest and he shows, upon cross examination, no knowledge of dates and does not know even the year in which he made his application to the Commission. He is supported in his testimony by that of George Vann who claims to have been in the Company with the applicant driving a wagon when the fight occurred. This same controversy was extensively discussed in 1896 when the Kern & Clifton Commission sat at various points throughout the Cherokee nation and took testimony upon this question.

It is admitted by George Vann , who is a colored man, that he was around at various points where testimony was being taken by the Kern and Clifton Commission and that the return of the Bean darkies and this fight on Horse Creek was a much mooted question at that time and he further states that he did not testify for or against the Bean darkies nor did he give expression in 1896 of what he knew concerning the return of these people or that he was in what is known as the Horse Creek fight at all Now it is incredible to believe that this colored man, if he had known these facts, could have remained silent when he was such an important

witness when this question was being discussed upon every hand. The same can be said of S. S. Stephens who testified for applicants. In 1896 he was for quite awhile, as he admits, one of the secretaries for W. W. Hastings who represented the Cherokee Nation in the making of the roll at that time. He admits that this question was a burning one at that time. That it was discussed upon every hand; that much testimony was introduced upon both sides and if this witness was an honest man and his testimony entitled to full faith and credit it was his duty as an honest reputable citizen to have told the facts to which he now testifies, in 1896 and in as much as he gave no expression of them at that time we submit that very little weight should be given to it now.

The other witnesses introduced in behalf of applicants C. D. Markham, Joshua Ross and Napoleon Rowe are not material in as much as they are not so direct and positive neither do they identify with any degree of certainty the applicant Tobias Bean as being in the crowd to which they refer

Mary Brown also testified for applicants but her testimony is entirely untrustworthy because she attempts to fix a date of the fight by the birth of one of her children when the two have no connection whatever and particularly in view of the fact that she has given birth to thirteen children and her memmory is so defective that she knows the date of the birth of but few of her children still she comes upon the stand and attempts to testify about some in which she has no interest whatever; no reason to remember when she does not know the date upon which her children were born.

Another thing which throws distruct upon the testimony for the applicants is that they induce William Foreman to testify as one of their witnesses; this man was a standing witness for colored applicants; he was a man of no occupation or business; he was a man of no standing in the Cherokee nation and confesses that he charged certain colored man by the name of Robinson Twenty-Five Dollars each to testify for each of five members of Robinsons family embraced in the one application or a total of $125.00. The introduction of this character of a witness is enough of itself to throw suspicion around this entire case. None of these witnesses appeared before the Kern & Clifton Commission in 1896; the Beans were then enrolled by main strength and awkwardness, although for more than four months there was more or less discussion throughout the Cherokee

Nation as to the date of this Horse Creek fight and so heated were the discussions that personal encounters took place over it.

The Commission in its decision in this case seems to set aside all of the testimony introduced and relies upon an order said to have been made by the war Department and filed in the case of which we are unofficially advised, showing that the war Department on October 9, 1866 ordered some troops from Fort Gibson to the scene of a difficulty on Horse Creek.. While we have not seen a copy of this order we know that this order could not possibly have referred to this particular encounter because the witnesses introduced on part of the Cherokee Nation of men of too high character and intelligence to have possibly been mistaken; their testimony is so direct and positive; so conclusive and convincing that the fight to which they refer was in 1867 that the order referred to and upon which the Commission must have relied in its opinion, must have related to other skirmishes in the vicinity and not to this the one that took place at the Knight place. Even before the war that section of the country was sparsely inhabited; during the war it was entirely vacated and immediately after the war marauding bands were known to have gone forth through this section of the country and not infrequently had skirmishes throughout this section of the Indian territory and I doubt not but that orders were given weekly to troops at Fort Gibson to suppress violations of the law in most every direction. It is commonly known that troops were retained at Fort Gibson for twenty-five years after the war for the purpose of maintaining order throughout this country. Hence we do not believe that the order referred to could possible be the one with reference to the fight which occurred on Horse Creek at theKNight place in which the applicants were engaged.

As against the indirect and evasive testimony which carries no conviction with it the Cherokee Nation introduced a number of its most reputable and highly respected citizens to testify in this case who were corroborrated by disinterested witnesses from the State of Kansas as well as some record testimony in this case.

Jesse Cochran swears that he lived at the Old Johnson Thompson place near Island Fordon Grand river which was the very point to which this colored man claimed to have returned in 1866 and he swears positively that his facther was killed by an assassins bullet on the 22nd day of October 1866.

He immediately went to the officers of the law who organized a posse of men and went in pursuit of the person thought to have killed his father and in his rounds he went by this same Knight place on horse creek and he swears positively that it was uninhabited; no one there at all and that Knights people had not returned to the place at that time.

After Johnson Thompson had returned and a few days before Christmas of 1866 he in company with Tom Thompson went by the Knight place and it was still unoccupied. In searching for the person who killed his father it was evidently thought that the man might have secured a hiding place around the old Knight premises which gave reason for Jesse Cochran and his posse by whom he was accompanied, to make a thorough search of it. Ex Cochran further tesfies that he lived down in that sectionof the country where these darkies claimed to have returned and they did not return there in the fall of 1866.

R. D. Knight comes upon the stand for the Cherokee Nation and above all witnesses now living has more reason than any one to know the date of this alleged Horse Creek Fight, and he swears positively that it was in the fall of 1867. He says he was at home and saw it. He testifies that there were about fifty in the crowd of colored people and he further says that he was arrested and taken to Van Buren to be tried for the killing but unfortunately for the Cherokee Nation the records of this early court could not be obtained. Knight is substantiated by Cochran who swears that Knight had not returned in October nor in December of 1866 and Knight swears positively that it was in 1867.

G. W. Clark, an Union soldier, who lived in the settlement to which these darkies returned swears that this fight took place in 1867. Clark has held many offices of honor and trust in the Cherokee Nation and he is a man of the highest integrity and what he says carries conviction through out the country.

J. C. Trott and T. J. Monroe both testify that this fight at the Knight place took place on Horse Creek in the fall of 1867; they lived in the neighborhood; they heard of the difficulty; they are reputable witnesses and there is nothing introduced from a reliable source on the part of applicants to contradict them.

In addition to the testimony of these witnesses we have the testimoney of George Campbell and the testimony of E. J. Clayton who live in

the State of Kansas and who have no interest whatever in this controversy and who gave some direct and damaging testimony against the applicants. It will be noted that George A Campbell lived at Garnett, Kansas which is the county seat of Anderson county and it will also be noted that Tobias Bean claims to have come from Anderson County , Kansas. Campbell testifies to Tobias Bean; testifies to his brothers; testifies to his father and he goes into detail as to the places upon which Tobe bean lived up until the year 1868.

Now the truth of the matter is, as we honestly believe it, that Tobias Bean and a crowd of Colored People came down by the way of Horse Creek in the fall of 1867, got into this difficulty; scattered; some few came to grand river; while a majority of them immediately turned and fled to Kansas and did not come on to the Cherokee Nation. We are strengthened in this position by the fact that not one single, solitary witness locates Tobias Bean or his father Sandy Bean anywhere in the Cherokee Nation in 1866 or 1867; and Tobias Bean himself will not locate himself here in that year. Not even a colored man would say on what farm or in what neighborhood he lived in that year.

Again as we think a very important circumstance to be bourne in mind inconnection with this case is that the testimony for applicants shows that the applicant applied to the Bob Daniels citizenship Court in 1871 and the testimony further shows that this same Bob Daniels lived in this very same neighborhood to which the applicant Tobias Bean claimed to have returned and certain it is that if he had come back within the time prescribed by the treatythat the proof was easy to get in 1871 to substantiate that fact. This in our judgment clearly supports our theory and corrobborrates the testimony of George A Campbell of Garnett, Kansas when he says that applicant lived there until 1868. It can not be argued that the Bob Daniels court was prejudiced because the record shows that a great number of applicants were admitted by that court and if Bob Daniels himself lived in this neighborhood, where applicant claimed to have come and knew the witnesses who testified and then his court render an adverse decision only five years after that date, namely in 1871 it should be strongly pursuasive to the Department that the fight referred to by witnesses in this case was not the one about which the order of the War Department was given on October 9, 1866. Wherefore the premises considered we submit that the Commissions decision is erroneous and should be reversed.

Respectfully,

Atty Cher. Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Tobias Bean,
Vinita, I.T.
Cherokee F-D-205
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee freedmen
D 205.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Tobias Bean for the enrollment of himself and his minor child, Arthur Bean, as Cherokee freedmen.

You are advised that you will be allowed fifteen days from the date hereof within which to file such protest as you may desire to make against the action of the commission in this case. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Encl. V-3

Commissioner in Charge.

Cherokee Freedmen
D-205.

Muskogee, Indian Territory, April 14, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Tobias Bean for the enrollment of himself and his son, Arthur Bean, as Cherokee freedmen, including the Commission's decision dated March 5, 1904, granting said application.

You are advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest is enclosed.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-45.

Cherokee Freedmen
D-205.

Muskogee, Indian Territory, April 14, 1904.

Edgar Smith,

Attorney for Tobias Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Tobias Bean for the enrollment of himself and his son, Arthur Bean, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished the applicant by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register
Enc. D-44

Commissioner in Charge.

Cherokee Freedmen
D-206.

Muskogee, Indian Territory, April 14, 1904.

Tobias Bean,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting your application for the enrollment of yourself and your son, Arthur Bean, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

You are hereby advised that the Cherokee Nation protests against the action of the Commission in this case, a copy of which protest has been furnished you by the attorney for the nation.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register
Reg. D-43.

(COPY)

DEPARTMENT OF THE INTERIOR.

Refer in reply to the following:
Land
25962-1904
33743-1904

OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 20, 1904

The Honorable ,
The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission to the Five Civilized Tribes dated April 14, 1904, transmitting the application of Tobias Bean, for the enrollment of himself and his son, Arthur Bean, as Cherokee freedmen.

March 5, 1904 the Commission held that the applicants are entitled to enrollment. The Cherokee Nation protested against the Commission's decision .

The evidence in this case shows that Tobias Bean was the slave of a Cherokee citizen at the commencement of the Civil War; that during the war he left the Cherokee Nation, but that he returned prior to February 11, 1867. He establishes conclusively that he returned during what was commonly known as the "Horse Creek fight", in which he was wounded. The record contains a certified copy of the order of E. P. Ewers, then First Lieutenant 19th U. S. Infantry, Post Adjutant, now Brigadier General, dated October 9,, 1864, directing Fred W. Moore, First Lieutenant of the 19th U. S. Infantry, to proceed to Horse Creek,

Indian Territory, with six enlisted men from the command "and arrest or kill a band of murderers or robbers who infest that neighborhood." The record strongly indicates that the "Horse Creek fight" occurred early in October 1866, but its exact date cannot be determined from the record. Some of the witnesses testified that this fight took place in September or October 1867. July 26, 1904 the office addressed a communication to Brigadier General Ewers, requesting him to furnish the office with advice as to whether he remembered the date of the "Horse Creek fight." His reply of the 7th instant is among the papers. He was unable to advise the office when the fight occurred, but from the record in the case it seems that it was in October 1866, and I therefore recommend the approval of the Commission's decision favorable to the applicants.

Very respectfully,

W. A. Jones,

Commissioner

G.A.W.-L.C.

(COPY)

W.C.P.
J.P.
FHE
L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C. 31062
I.T.D. 6768-1904.

August 27, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 14, 1904, you transmitted the record in the matter of the application of Tobias Bean for the enrollment of himself and his minor son, Arthur Bean, as Cherokee freedmen, including your decision of March 5, 1904, granting said application.

You also transmitted a copy of the protest of the Cherokee Nation against the action of your Commission, to which the Department has given due attention.

Reporting in the matter August 20, 1904, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, favorable to the applicants, is hereby affirmed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary

1 inclosure

COPY

Cherokee Freedmen

D-406.

Muskogee, Indian Territory, September 7, 1904.

Edgar Smith,

Attorney for Tobias Bean,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Tobias Bean and his minor child, Arthur Bean, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 27, 1904.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-205.

Muskogee, Indian Territory, September 7, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of Tobias Bean and his minor child, Arthur Bean, as Cherokee freedmen was affirmed by the Secretary of the Interior on August 27, 1904.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Cherokee Freedmen

D-208.

Muskogee, Indian Territory, September 7, 1904.

Tobias Bean,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, granting the application for the enrollment of yourself and son, Arthur Bean, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 27, 1904.

Respectfully,

Tams Bixby.
Chairman.

Cher Fr 1381

Trans. from Cher Fr D 184

Cher Fr 1381

Cherokee Freedmen D-184.

Mrs. Helen Adams Keller, Forest Hills, New York.

My dear Mrs. Keller:

I am sorry that I have not written to you before to thank you for your kind letter of March 28th, but I have been very busy and have had no time for anything but my work.

I am glad that you are interested in the Institute for the Deaf and that you are willing to help us. We are very much in need of funds and I am sure that we can count on you for a generous contribution.

I am enclosing a list of the members of the Board of Trustees and the Executive Committee, and also a copy of our last annual report. I hope that you will find time to look over these papers and that you will be able to help us.

Sincerely yours,

Alexander Graham Bell.

AGB:EMG

Enclosures.

Doubtful as to Willie Melton.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 20, 1901.

In the matter of the application of Love Melton for the enrollment of himself and one child as Cherokee Freedmen.

Love Melton, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Love Melton.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who is it you want to enroll besides yourself? A Just my boy, Willie.
Q How old are you? A I am 29 years old.
Q What is your post office? A Redland.
Q In what district do you live? A Sequoyah.
Q How long have you lived in the Cherokee Nation? A All my life, born here.
Q Give me the name of your father? A Nathan Melton.
Q Is your father dead? A He is living.
Q Give me the name of your mother? A Rosanna Melton.
Q Is she dead? A She is living.
Q Give me the name of your child? A Willie Melton.
Q Boy or girl? A Boy.
Q How old is that child? A He is 11 years old.
Q Is he living now? A Yes, sir.
Q Give me the name of the mother of this child? A Elizabeth Melton.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A 8 years.
Q She was your wife, was she? A Yes, sir.
Q And this is your child? A Yes, sir.
Q Did she possess any right of herself as a Cherokee Freedman?
A No, sir.
Q Only as your wife? A Yes, sir, that is all.
Q Were you ever married except to her? A Yes, sir, I have been married since then.
Q But were you ever married before you married her? A No, sir, never was, she was my first one.
Q Was she ever married before she married you? A No, sir.
Q What was her name before she married you? A Jones.
Q That was her maiden name, was it? A Yes, sir.
Q Give me the name of her father? A Her father was named Andy Jones.
Q Is he dead? A Yes, sir, he has been dead, but I hardly recollect —
Q Give me the name of your wife's mother? A Fannie Jones.
Q Is she dead? A No, sir, she is living.
Q How old was your wife when she died? A I can't tell you.
Q How old would she be now, about your age? A She is somewhere along about my age.
Q Is there anybody here who knows that you and your wife lived together as husband and wife? A I don't know as there is anyone here now; yes, I guess so, there is a man right behind me.
Q You haven't got a certificate of your marriage to your wife?
A No, sir.
Q Did you get a license? A No, sir.
Q Who married you? A Preacher by the name of Churchill.
Q Is he living? A Yes, sir.
Q Where is he living? A He is living in Baltimore, Ohio, somewhere.
Q Was he a white man or a colored man? A He was a colored man.
Q Didn't he give you a certificate of marriage? A No, sir.
Q He charged you a fee, didn't he? A Yes, sir, that is all we had to pay about that time.
Q Well, you will have to produce proof showing your marriage to your wife? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and

the applicant Levi Melton identified thereon, page 709, No. 838, Sequoyah district, as Levi Melton.
The 1896 census roll of Cherokee Freedmen examined, and the applicant identified thereon, page 412, No. 863, Coowescoowee district, as Levi Milton.
Willie Melton now on 1896 roll.

Q Did you draw Cherokee strip money for this child? A No, sir, it wasn't found.

Q Did you have him enrolled in 1896 on the census roll? A Yes, sir, had him enrolled in Claremore.

Q Who does this child live with? A Stays at Muskogee going to school.

Q Well, the child's mother died when he was very young, and then who brought him up? A Why, his aunt.

Q What is her name? A His aunt is named Sarah something, I forget her name now, she is in Arkansas now; they are now natives you know.

Q But she brought theechild up? A Yes, sir, she raised him up.

Q The child may be enrolled under the name of that aunt; what is her name? A No, I enrolled the child myself.

Q Give me anyway that aunt's name? Can you remember it? A No, sir, I can't remember what her other name was; I will have it and bring it in before this thing is closed.

Commissioner Breckinridge: The applicant applies for the enrollment of himself and one child. The applicant is identified on the rolls of 1880 and 1896 as a Cherokee Freedman. He is duly identified with his family, and the variations in name are not sufficient under the circumstances to cast doubt upon the identification. He has lived in the Cherokee Nation all his life, and he will now be listed for enrollment as a Cherokee Freedman.

His child, Willie Melton, for whom he applies, is not identified upon the Kerns-Clifton roll or upon the census roll of 1896. No claim is made that the child's mother possessed any rights of herself. The applicant is not able to establish his marriage to his deceased wife, the mother of this child, at this time. He states that neither he nor the mother of this child were previously married, and affirms that he had the child enrolled in 1896. Giving the child the benefit of any doubts that may exist in the case, it will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, to await identification upon some roll or satisfactory evidence of legal marriage between his father and mother? The child is said to be living at this time, and at school at Muskogee.

****

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 29th of April, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
APR 20 1901

ATTORNEY

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date August 29. 90.

Post Office Tahlequah I.T.

District Tah.

1. Name [illegible] Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife [illegible] Age

Owners name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. [illegible] Year — Page — No. — Dist. —

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by [illegible] Stenographer [illegible]

Cherokee Freedmen D 184.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Willie Melton as a Cherokee Freedman.

D E C I S I O N .

The record herein shows that on April 29, 1901, Leve Melton appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his minor son, Willie Melton, as Cherokee Freedmen. The said Leve Melton being differently classified is not embraced in this decision.

The evidence shows that Willie Melton is the minor son of the said Leve Melton who is identified on the 1880 authenticated roll of the Cherokee Nation as a Cherokee freedman. It further appears that the said Leve Melton has lived continuously in the Cherokee Nation since the making of said roll and the residence of the minor applicant is presumed to be with his said father.

It is, therefore, the opinion of this Commission that Willie Melton should be enrolled as a Cherokee freedman, in accordance with the provisions of Section 21 of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this

Commissioner.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Leve Melton,
Redland, I.T.,
Cherokee F- [illegible]
Register.

Cherokee Freedmen

D-184.

Muskogee, Indian Territory, August 31, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, granting the application for the enrollment of Willie Melton as a Cherokee freedman.

You are advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to furnish the applicant. If you fail to file protest within the time allowed this decision will be considered final.

Respectfully,

Chairman.

Encl. S-71.

Cher Fr 1382

Trans. from Cher Fr D 665

Cher Fr 1382

(C O P Y)

To be filed with P.D. 665--Benjamin Beck.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
CHELSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Jim Landrum for the enrollment of himself, wife and five children as Cherokee Freedmen; said Landrum being sworn and examined by Commissioner C. R. Breckinridge testified as follows:

APPEARANCES:
Messers. Mellette & Smith for Applicants.
Mr. J. S. Davenport for Cherokee Nation.

Q Give me your full name? A Jim Landrum.
Q How old are you? A I am between 53 and 54.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes,sir
Q Do you want to apply for anybody besides yourself? A Yes,sir
Q How many children have you? A I have ten children but some of them will have to apply for themselves.
Q How many have you got that are under 21 years of age? A Five
Q Are these five all unmarried? A Yes,sir.
Q And are they all living now? A Yes,sir.
Q Have you a wife? A Yes,sir.
Q Do you want to apply for her? A Yes,sir.
Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q What part of your life were you not in the nation?
A At the time of the war.
Q You lived in the Cherokee Nation then all your life except during the war? A Pretty much.
Q Been out some? A Yes,sir, I was in the army three years.
Q Since the Civil war closed? A Yes,sir, in the late war.
Q Have you been in the Spanish war? A No,sir.
Q What do you call the late war? A At the time.
Q The North and South fought? A Yes,sir
Q Have you been in the Cherokee Nation all your life except at the time you were out when the North and South fought?
A I stopped in Kansas when I was mustered, in the army.
Q Were you a slave in the Cherokee when the war broke out?
A Yes,sir.
Q To whom did you belong? A Belonged to a man by the name of Aaron Landrum.
Q Was he a well known citizen of the Cherokee Nation? A Yes,sir
Q Where did he live? A He died on Cabin Creek south of Vinita.
Q Did he live there before the war? A Yes,sir.
Q Give me the name of your father? A George Landrum
Q Is he dead? A Yes,sir
Q Was he a Cherokee Freedman? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q In the Nation? A Yes,sir
Q Give me the name of your mother? A Peggie Landrum.
Q Is she dead? A Yes,sir
Q How long has your father been dead? A He has been dead about 18 years
Q How long has your mother been dead? A Been dead about 35 years, 36 years.
Q Was she a Cherokee Freedman? A Yes,sir.
Q Give me the name of your wife? A Margaret Landrum
Q Does she claim to be a Cherokee Freedman in her own right?
A Yes,sir.
Q How old is she? A She is 51.
Q When were you and she married? A We was married the first

winter at the closing of the war.
Q Where were you married?? A Married in Kansas.
Q To whom did she belong when the war broke out? A She belonged to a woman by the name of Eliza Wright
Q Was she a recognized citizen of the Cherokee Nation? A Yes,sir
Q Where did she live? A She was a daughter of Judge Martin She lived down here on Grand River at the Green Briar place.
Q Were you ever married before you married this woman? A No,sir
Q Was she ever married before she married you? A No,sir
Q Give me the names of these five children? A Jessie Landrum
Q How old is that child? A Twenty.
Q The next child? A John Landrum
Q How old is he? A 15
Q The next child? A Jim Landrum
Q Jim,Jr., isn't it, you the old man? A Yes,sir.
Q How old is your boy Jim? A 13
Q The next child? A Barbara
Q How old is Barbara? A Ten
Q The next child? A Nelson.
Q How old is Nelson? A Eight, will be in July.
Q Are you on the 1880 roll? A I ought to be

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and applicant's name and that of his wife not found thereon.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicant's not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 153, #3785, James Landrum, Cooweescoowee District.
Page 153, #3795, Margaret Landrum, Cooweescoowee District.
Page 153 #3789, Jessie Landrum, Cooweescoowee District.
Page 153, #3791, John Landrum, Cooweescoowee District.
Page 153, #3792, James Landrum, Cooweescoowee District
Page 153, #3794, Nelson Landrum , Cooweescoowee District.

Q How comes you didn't get money for Barbara? A I did get money for her.
Page 153, #3793, Emma Landrum, Cooweescoowee District.

Q Did you ever call that child Emma? A Sometimes.
Q Well is Emma really a part of her name? A Her right name is Barbara, we call her Emma sometimes for a nickname
Q Now, now comes it that neither you nor your wife are on the roll of 1880? A I don't know, sir.
Q You applied didn't you? A Yes,sir.
And what did they say to you; what did they do to you?
A Well, when they made that '80 roll my father told me to work on the place and he would put all of us children on.
Q Is your father him self on there? A Yes,sir, I think he is.

The 1880 Authenticated Roll of Cherokee Freedmen examined and name of applicant's father found thereon, page 545, #563, George Landrum, Saline District.
Q Caroline, who is that? A That's my stepmother
Q How is Samuel? A My brother
Q Your full brother? A Yes,sir
Who is Daniel? A That is my brother
Full brother? A Yes,sir
Q Sherman, is he your brother? A Yes,sir
Q Full brother? A Half brother.
Q Now, you were in the army during the war? A Yes,sir.

Q Where were you disbanded, where were you mustered out?
A Fort Leavenworth, Kansas.
Q How long did you stay up there after you were mustered out?
A We was mustered out, it was in '56, and then I come home and looked my people up and found them and then during that Christmas after I was discharged I come on down to the Nation, I didn't stay in Kansas very long.
Q You got married in Kansas? A No,sir, I didn't marry when I come down here.
Q You married in Kansas? A Yes,sir, I went back and married then
Q What year was it you married in? A It was.
Q How long after you were mustered out? A The next spring
Q You were married in 1866; married the next spring? A Yes,sir.
Q You didn't mean '56, you mean '66? A Yes,somewhere along there I can't remember good.
Q You say you were a slave in '56? A Yes,sir.
Q Let us understand now just what you mean: You were mustered out in '66 at Leavenworth were you?
A I don't know whether it was '66; I was mustered out the same time Allen Lynch was mustered out.
Q When were you mustered out? A First Kansas Colored.
Q What company were you in? A I was in Company H.
Q Well you were mustered out; what time of the year were you mustered out? A Along, it was getting late in the fall.
Well, now long after you were mustered out was it before you came South? A That same winter.
Q You came down you say to look up your people? A No, my people lived in Kansas, I come down here to locate a place.
Q Had you heard of the treaty when you came down? A Yes, that was the talk of the crowd I came with, all come together.
Q You heard of the treaty having been passed? A Yes,sir.
Q What time was it in the winter you came down?
A Just a little before Christmas.
Q A little before Christmas? A Yes,sir
Q Where did you go? A Come down here in the Nation.
Q Well did you pick out a place? A We stopped at the place after I got down here.
Q Well, you hadn't married at that time? A No,sir.
Q Well, when did you go back to Kansas? A That spring
Q And when did you marry? A That spring after I went home.
Q Married pretty soon after you got back there? A Yes,sir.
You say when you went home; you mean when you went to Kansas?
A Yes,sir.
Q How long did you stay in Kansas after you married ?
A I didn't stay any time for I went back to Kansas and married and left my wife up there and came back again.
Q Well, what did you do, make a place? A Why I lived on a man's place, not mine.
Q Well how long did you keep that up before you went back and got your wife? A Quite a while.
Q Well, two or three years, four years? A No, it would not be that long.
Q Well how long? A About a year.
Q And then you went back to Kansas and got your wife? A Yes,sir
Q And then you brought her down to the Nation? A Yes,sir.
Q Had you any children at the time you brought your wife down to the Nation? A No,sir
Q You have some children that are old enough to apply for themselves? A Yes,sir.
Q Were any of them born in Kansas? A No,sir.
Q Were all of them born in the Cherokee Nation? A Yes,sir.

Q Well ,when you brought your wife down that time, did she continue to make her home here with you? A Yes,sir
Q Has she made her home here ever since? A Yes, sir.
Q Well, when you came down from Kansas who came with you the first time you came? A Arch Landrum.
Q Did any of your family come with you? A No,sir, I wasn't married then.
Q I am talking about your father and mother? A I came before my father did.
Q Well, now about your brothers? A I came before any of them did.

BY MR. DAVENPORT:

Q You had children born when the 1880 roll was made didn't you Jim? A I ain't got learning, I don't know when the '80 roll was made.
Q It didn't take learning to know whether you have got a child 20 years old or not now? A I don't know.
Q Have you or not got children that are more than 20 years of age? A Yes,sir.
Q Where were you living when the 1880 roll was made?
A Living here on Grand river.
Q What place on Grand river? A Below Tan Yard.
Q At what place? A I had no post office then.
Q Had no post office on Grand river in 1880? A Had no postoffice when I came.
Q I aint asking you about when you came, I am asking you about 1880?
A All the postoffice I know of then it was up about Tiblow's
Q That was in 1880? A I don't know when it was.
Q Where was it you were living in 1880? A Down about Tan Yard
Q Where did you live then? A I lived there with him, helped make that place.
Q You and your family lived there with your father in 1880 ,
A Yes,sir, part of the time.
Q Did you and your family live there with him in 1880? A Not much
Q Did you live there partly with him? A With him all the time
Q Well, now long did you live with him? A I don't know.
Q How long did you live in Kansas after you were married?
A I didn't live there any time.
Q How long do you think your family stayed there? A I went and got my family , my wife.
Q Did you bring her home as quickly as you married? A Yes,sir
Q Where was she living at the time you married? A At Tumney
Q And you left immediately for the Territory? A Yes,sir.
Q Have you lived in Kansas since then? A Some.
Q About how long have you lived in Kansas? A Oh, I don't know, just a little bit, lived in Kansas and worked.
Q What place or places , have you lived since you married in the State of Kansas? A I haven't lived hardly any in Kansas, I have lived most of the time on Grand river.
Q You say you have lived some in Kansas since; I want to know what places you have lived? A When I went back my folks lived near near Neosho, Kansas, my father did.
Q You have got people living at Neosho Falls now? A No,sir.
Q You are not kin to Bell Landrum? A No,sir.
Q Do you know what her husband is named? A Yes,sir.
Q What is his name A July Landrum.
Q He is no relation of your ? A No,sir.
Q Neosho Falls is where he lives isn't it? A I don't know where he lives.
Q Well, have you lived any other place other than the Cherokee Nation and State of Kansas since you were married? A Yes,sir.

Q Where have you lived? A Down here on Grand River.
Q I said other then the Cherokee Nation? A Yes, sir, lived up at Brown's Ferry?
Q Have you lived in any other place out of the Cherokee Nation?
A I lived at Gibson.
Q Gibson ins't in Arkansas? A No, sir.
Q Did you apply to the Bob Daniels Court to be admitted, to have your rights established? A Notthat I can remember.
Q Did you apply to the Dawes Commission in 1896? A Can't remember
Q You would remember it wouldn't you if you had of done so
A I don't know whether I would or not.
Q You remember the happenings of things very well don't you?
A Sometimes and sometimes don't.
Q What county in Kansas were you married; you said you were married at Tumway? (No response.)
Q What county was it Jim? A I don't know; it is in Coffee County or Lime County.
Q What was the county seat? A Burlington.
Q You came back to the Cherokee Nation in what year did you say?
A The winter I was mustered out.
Q What winter were you mustered out? A That is what Ican't recollect.Q You don't know when it was you were mustered out and don't know when it was you came back to the Cherokee Nation?
A No, sir, it was in the winter I was mustered out.

JOHN LANDRUM, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

BY MR. SMITH, of Counsel for Applicants:

Q State your name. A John Landrum.
Q How old are you? A 59.
Q Where do you live? A On Lightning Creek.
Q What is your post office? A Hayden.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Jim Landrum? A Yes, sir.
Q How long have you known him? A I have knowed him ever since he was a child, baby.
Q When did you first see him in the Cherokee Nation after the war?
A I saw him in '66, on Grand river to his father's.
Q Who was with him? A Just himself.
Q No one? A His father he was along there with his father.
Q Who did you say Jim was with when you saw him? A He was by himself, just himself.
Q At what point was that? A On the river, Grand river.
Q Well what part of Grand river? A The Island Ford as they call it; Tan Yard Ford, above Island Ford.
Q Did you know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Easter Landrum.
Q She was a Cherokee citizen? A YEs, sir.
Q Where did she live? A She lived on Cabin Creek.
Q Where is Cabin Creek? A South of Vinita.
Q Where was Jim Landrum when the war commenced? A When the war commenced he was here in the Territory, in the Cherokee Nation up there at home.
Q Do you know where he was during the war of your own knowledge?
A During the war, he was a soldier during the War.
Q And you first saw him back here in the Cherokee Nation at what time? A It was here in '66, on the Grand river there at his daddy's

BY MR. DAVENPORT:

Q What makes you remember it was in '66? A Because I know it.
Q Well what year was the Wallace roll made? A I could not tell you.
Q Youwere here then? A Yes, sir.
Q You attended it and was enrolled? A Yes, sir.
Q What year was the Kern-Clifton roll made? A I don't know.
Q You were here? A Yes, sir.
Q Yet don't know? A I ain't got no eduction.
Q How do you know '66? A I know it.
Q How do you know it? A Everybody knows it.
Q Some don't know it? A I don't know.
Q What time of the year was it? A It was in the winter.
Q Before or after the treaty was made? A What treaty do you mean, treaty of '66?
Q Yes. A At the time the treaty was made.
Q You saw him in the winter of '66? A Yes, sir.
Q And at the time the treaty was made? A Yes, sir.
Q His father was with him was he? A Yes, sir.
Q Did his father come back at the same time he did?
A Yes sir, of course he did.
Q Then if he says he come before his father did he is mistaken isn't he? A He came before that time expired and remained; he stayed with Arch Landrum and Lewis Rowe.
Q And his father didn't come with him at that time? A No, sir.
Q Well do you know where he married? A Yes, sir.
Q Where was he married? A It was up in Kansas.
Q What place do you know? A Place they called Leroy, just the other side of Leroy; I forget the name of the place but I know just exactly, about ten miles the other side of Leroy.
Q About how long did he live up there after he got married?
A I don't know, he never stayed up there a great while.
Q Has he been living near you ever since he came back?
A No, sir, not near me.
Q About how far from you? A About 20 miles.
Q How often have you seen him? A Sometimes about a month or two.
Q What year was it he married? A I could not tell you; that was away after peace was declared.
Q '66 was just after peace was declared? A Yes, sir.
Q You remember that year? A He married the year he mustered out.

BY MR. SMITH:

Q Why do you remember '66? A How do you remember anything else?
Q Was there anything particular about '66 or anything else?
A They said the limit was made for us to come back to our homes.
Q How did you get that information? A I got it from the people that knew.
Q The people that knew about it? A Yes, sir.

BY MR. DAVENPORT:

Q Wasn't the Wallace rolls and Kern-Clifton roll was for a specific purpose as well as the 1866 treaty? A Yes, sir, I guess so.
Q You can remember them? A No, sir.

BY MR. SMITH:

Q Where were you when you first heard of this time that the negros had to get back to the Cherokee Nation? A I was in Kansas.
Q You taked about it? A The people was talking about it.
Q Was anybody sent there to bring the news? A No, sir, they got it by hearsay.
Q Hearing the people talking about it? A Yes,sir.

HARRY STILL, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give your name. A Harry Still.
Q How old are you? A 54.
Q What is your post office? A Hayden.
Q How oong have you lived in the Cherokee Nation? A All my life.
Q You were out during the war weren't you? A Yes, sir.
A Are you on the roll of 1880? A No, sir, not on the roll of 1880, on a straight card, sir.
Q Do you mean put on one by this Commission? A Yes, sir at Vinita.

BY MR. SMITH:

Q Do you know this applicant, James Landrum? A Yes, sir.
Q How long have you known him? A About, pretty near 36 years.
Q Did you know him before the war? A No, sir, I didn't know him before the war.
Q You don't know then who he belonged to? A No, sir.
Q When did you first see him in the Cherokee Nation after the war?
A It was up pretty near about the first of February when I saw Jim
Q February what year? A '66 on Grand river.
Q When did you first get back? A I got back in '65 the first trip I made.
Q About what time in 65? A About the last of '65.
Q Now, about what time you think you saw Jim? A About last part of '66.
Q What did you mean by saying it was in February? A It was in the last part of '66.
Q Well was it in '66? A Yes, sir.
Q How long was it from Christmas? A Why it was about the last part of Christmas; just after Christmas; when I saw him at his fathers.
Q Well, I don't understand you, what did you mean by saying it was February, '66, that is the first part of '66? A Yes, sir that is the first part; I mean January, the last part of January, '66, it was after Christmas when I saw Jim of '66.
Q After Christmas? A Yes, sir, I mean about Christmas. It might have been the second week in Christmas.
Q Where did you see him first? A At his father's on Grand river.
Q Had you seen him before that? A Yes, sir.
Q Where did you see him? A Saw him in the First Colored Regiment.
Q Where has Jim Landrum been living since the time you saw him at his father's on Grand river? A Sometimes on Lightning Creek, sometimes at his father's and sometimes on Grand river.
Q Well, now, let's see; I don't understand what you mean by the time you first saw him; I don't understand that; do you know the month it was? A No, I don't. It was about the last part of '66 when I saw Jim.
Q Well, about how far from Christmas, do you remember to state whether it was before Christmas or after Christmas.
A It was about that time, I remember I went over there and I saw Jim there and it was about the last part of '66.

BY MR. DAVENPORT:

Q You saw him somethime after Christmas, '66? A Sometime.
Q You don't remember about how long after Christmas it was?
A No, sir, it was about the last part of '66.
Q You thought when you first stated that it was in February, '66?
A I am not positive.
Q Was it about February after the Christmas of '66 or not?
A I am not positive.
Q You know any way it was after Christmas? A It was about the last part of '66.

BY MR. SMITH:

Q When did you come back to the Cherokee Nation? A I come back in '65 and I got back in the spring of '66, in the fall of '66.
Q The third trip you made? A In the fall, along there, in October.
Q About how long was it after you came back the third time until you saw Jim Landrum? A Sometime in December.
Q About how many months? A I don't know exactly but it was the last part of '66 when I saw him.

COM'R BRECKINRIDGE: The applicant applies for the enrollment of himself, his wife and five children. It appears that the applicant was a slave of a Cherokee citizen and in the Cherokee Nation at the beginning of the Civil War. He is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896. In regard to his return to the Cherokee Nation after the Civil war, the testimony is conflicting. He states that he was a member of the First Kansas Colored Regiment, Company H; 79th U. S.; he defines it as the First Kansas, 79th U. S. Infantry, that he was mustered out with them at Leavenworth. It will benecessary to communicate with the war department to find out when and where that regiment was mustered out and if the applicant's name appears upon the Muster Roll to compare that date with the date now given. There seems to be no question that the applicant has lived in the Cherokee Nation consistently from the time he returned until to-day. He will now be listed for enrollment as a Cherokee Freedmen on a doubtful card and the final decision of the Commission will be made known to him at his post office address. It should be noted that his father and one or two of his brothers are on the roll of 1880, his mother died about the time of the close of the war and of course his father and brothers may have qualified under the treaty of 1866, without the applicant's having done so. He is now 55 years of age, or thinks he is of that age. As for his wife, Margaret, who is said to be now 31 years of age, it appears that she was in Kansas at the time of the applicant first came to the Cherokee Nation and he returned to Kansas sometime after his first visit and there married her, and then brought her to the Nation. It seems that she was a slave of a citizen and in the Cherokee Nation at the time of the breaking out of the civil war and that her first return to the Cherokee Nation after the war was shortly after her marriage to the applicant. She is identified with him on the Kern-Clifton roll and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, but as to her final qualification under the treaty of 1866, the evidence given in regard to her return will have to be carefully compared to that of the applicant himself, as he brought her back a year or more later than his first return. It seems that the applicant nor his wife was ever previously married, and that they have lived together ever since their marriage, therefore their marriage seems to be lawful. In view of this fact there appears to be no bar to the enrollment of the five children applied for, provided the status of the applicant himself is satisfactorily established. These five children are identified on the Kern-Clifton roll but not upon the roll of 1896. They are living and they will now be listed for enrollment as Cherokee Freedmen on a doubtful card.

{{{{oooo 0000oooo}}}}

J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcrip of his stenographic notes thereof.

(Signed) J. O. Rossen

Subscribed and sworn to before me this 22d day of June, 1901.

(Signed) T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 11th 1901.

In the matter of the application of Celia Kirkpatrick for the enrollment of herself and one child as Cherokee freedmen; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Celia Kirkpatrick.
Q How old are you? A About 50.
Q What is your post office? A Vinita.
Q In what district do you live? A Delaware.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you want to enroll anyone besides yourself? A Myself and one child.
Q How old is the child. A She is 11 years old.
Q How long have you lived in the Cherokee Nation? A Off and on all the time.
Q Were you born inthe Cherokee Nation? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war broke out A Yes sir.
Q Did you belong to a Cherokee master when the war broke out? A Yes sir.
Q Give me the name of your master? A Ben Landrum.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Have you been out since the war? A Been out and in since the war.
Q Have you lived part of the time in and part of the time out since the war? A I have been out and worked since the war some.
Q Give me the name of your father? A George Landrum.
Q Is your father dead? A Yes sir.
Q How long has he been dead? A I cant say for certain, been dead quite a while.
Q As much as 10 or 12 years? A 13 or 14 years as near as I can get at it.
Q Give me your mother's name? A Cassie Landrum.
Q Is she dead? A Yes sir.
Q How long has she been dead? A I think about 12 years.
Q Was your father a Cherokee freedman? A Yes sir.
Q was your mother a Cherokee freedman? A Yes sir.
Q Where did your master Ben Landrum live? A On Spavinaw creek.
Q In what district? A Delaware I think.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A Tom Daniels.
Q Is he living or dead? A Dead.
Q How long? A 10 years.
Q Was he a Cherokee freedman? A Yes sir.
Q When were you and he married? A Before the war.
Q Back in the days of slavery? A Yes sir.
Q Give me the name of your second husband? A Jerry Kirkpatrick.

Q Is he living now? A No sir.
Q Was he a Cherokee freedman? A No sir.
Q When did you marry him? A 5 years ago.
Q Have you a certificate of your marriage? A No sir.
Q Give me the name of your child? A Ethel Daniels.
Q Is she living now? Yes sir.

Applicant not on the 1880 or 1896 roll.
Kern Clifton roll examined and applicants found as follows:
page 153, No. 3796 Celia Daniels, Cooweescoowee district.
page 153, No. 3798 Ethel Daniels, Cooweescoowee district.

Q How comes it that you are not on the roll of 1880? A I dont know, I left it to my father and he said he would attend to it.
Q Where did you go during the war? A Neosho Falls, Kansas.
Q With who? A Lots of us.
Q Did you come with your husband? A Yes sir he came too.
Q Did you stay there until af ter the war? A Yes sir.
Q When did you come back? A In the spring I guess.
Q Of what year? A When my father and Simon Lynch came, I dont know the dates.
Q Did you husband come back with you? A No sir.
Q When did he come? A He sent me on with his father and my father and he staid and worked a while and he come down the next spring after I did.
Q Did you have any children at that time? A No sir.

The authenticated roll of 1880 examined and the name of the applicant's father identified on the same as follows:
Page 645, No. 663, George Landrum, Saline district.

The 1880 roll examined for a name which the applicant mentioned and same is found as follows:
Page 645, No. 653, Simon Lynch, Saline district.

Q How long after you got back before your husband came? A In the spring.
Q How long after you got here before he came? A I guess it was a year.
Q You came one spring and he came the next spring? A Yes sir.
Q Where is Simon Lynch? A I guess he is at home.
Q How far does he live from here? A I dont know.
Q Is there anyone here who knows of your having been married. Yes sir.

JAMES LANDRUM, called and sworn as a witness for the applicant, testified as follows:

(By Com'r Breckinridge)
Q What is your name? A James Landrum.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life off and on.
Q Were you out during the war? A Yes sir.
Q Were you a slave in the Cherokee Nation during the war? A Yes sir.
Q Do you know this applicant here? A Yes sir.
Q What kin is she to you? A My siter.
Q Are you a son of George and Cassie Landrum? A I am a son of George and Peggy.
Q You and this applicant are not full brother and sister then? A No sir, half brother to her, my mother was Peggy and her mother was Cassie.
Q Was your father married to Peggy before he married Cassie? A Yes sir.
Q When did he marry Cassie, was it in slavery days? A Yes sir.
Q Was Peggy dead then? A No sir he had two wives.
Q Were both of his wives slaves? A Yes sir.

Q Did he pretend to live with both of them at the same time? A Yes sir.
Q Was that sort of thing permitted in that day? A Yes sir that was the go in them days, nigger babies is what was wanted.
Q Do you remember when George Landrum came back to the Cherokee Nation.
Q Was you with him? A No sir I come first before he did.
Q Were you here at the time he came? A Yes sir.
Q You went back to Kansas for your family didn't you? A Yes sir.
Q Were you here when your father came, or were you back for your family? A He came when I went back to Kansas.
Q You didn't see him when he got here? A No sir, I saw him when he started from there.
Q Was your sister with him? A Yes sur.
Q When you got back did you see him? A Yes sir.
Q Was this siter with him? A Yes sir.
Q How long after you saw them in Kansas did you see them here? A It was before I got back here.
Q You saw them leave Kansas? A Yes sir.
Q How long after that did you next see them in the Cherokee Nation? A In the next fall following.
Q What time of the year did you see them leave Kansas? A It was in '65 I think it was.
Q What time of the year? A In March.
Q Of '65 and '66? A March of '65.
Q That you saw them leaving Kansas? A I think it was.
Q Was the war over them? A Yes sir, just right at the close of the war.
Q Is your name on the roll of 1880? A I dont think it is.
Q You applies for yourself a few days ago? A Yes sir.
Q You was put on a doubtful card? A I guess so.
Q You ought to know, you was told at the time wasn't you? A Yes sir.
Q Dont you remember? A Yes sir, I remember.
Q Was your step mother with your sister when they came back? A No sir.
Q Where was she? A At Gibson.
Q Didn't she live with your father after the war? A No sir.
Q Did she go out during the war? A Yes sir.
Q What was the name she went by after the war, Landrum? A Yes sir.
Q Didn't she marry another man and take his name? A No sir.
Q How long do you think Cassie Landrum has been dead? A She has been dead 12 or 13 years.
Q Did she continue to live in the Cherokee Nation after the war? A Yes sir.
Q Where was this 1/2 sister of yours lived since the war? A She has lived at Brown's Ferry and Iron's Ford and in Simon Lynch's settlement and in Arch Landrum's settlement.
Q Has she ever lived outside of the Cherokee Nation since the war? A Most of the time.
Q Do you mean to say she has lived in the Cherokee Nation most of the time since the war? A No sir.
Q What do you mean to say then? A That she has lived right where my father first brought her most of the time since the war.
Q Then you mean that she has lived in the Cherokee Nation most of the time since the war dont you? A Yes sir.
Q You are positive that she has made her home here all the time since the war? A Yes sir.

(By the Commission of the applicant)

Q You didn't indicate that you had made your home here all the time since the war did you? A I worked out some.
Q Where have you been out at work? A At Neosho Falls some times.
Q Any other places? Chetopa.
Q Anywhere else? A No sir.
Q How much work have you done at Neosho Falls? A Sometimes six months maybe seven, then I would make a trip back here.
Q Did you take your family with you? A Yes sir I would take the baby there sometimes.

Q How about Chetopa? A Yes sir the same way.
Q Have you spent as much as halfyour time in Kansas? A No sir, would come back and stay as much as 3 and 4 months at a time and then light out again, sometimes here and sometimes there.
Q When did your last husband die? A 2 years ago.
Q Where did you marry him? A Neosho Falls.
Q Where did you marry your first husband? A On the river where I live now.

(By Commissioner of witness, James Landrum)

Q What was the name of your sister's first husband? A Tom Daniels.
Q When did she marry him? A Long before the war.
Q How long has he been dead? Been dead about 13 years.
Q Did she live with him until he died? A Yes sir.
Q What was the name of her second husband? A Jerry Kirkpatrick.
Q How long has be been dead? A About 4 years I think.
Q All of 4 years you think? A Yes sir, I think it is between 3 and 4 years.
Q Did she marry him after Tom Daniels died? A Yes sir.
Q Has she ever been married except these two times? A No sir.
Q Did she live with Kirkpatrick until he died? A Yes sir.
Q Do you know that your sister had been in the habit of going to Neosho Falls and Chetopa and working there? A No sir.
Q You dont know anything about it? A No sir.
Q Her testimony shows that she spent half her time there and yet you say you have kept the run of her all the time and dont know anything about it? A (No response)

By Com'r Breckinridge,-

The testimony of the applicant and of the witness James Landrum down to this point will be filed in the case of the said James Landrum, as it indicates that his testimony is unreliable and should be taken into consideration in weighing any statement he has made in his own application. His application is Cherokee Freedman D#664.

I, Chas. von Weise, upon my oath state that the above is a true and complete copy of that much of the original testimony as has been ordered filed in Cherokee Freedman Doubtful case #664.

(Signed) Chas? von Weise

Subscribed and sworn to befcreme this the 29th of July, 1901.

(Signed) M. D. Green
(SEAL) Notary Public.

File with Jim Landrum et al., C. F. D. 664.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 15th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jim Landrum et al, C. F. D. 664

Appearances:
James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

C.R. GRIFFITH being first duly sworn before Com'r T. B. Needles testified as follows on the part of the Cherokee Nation.
(By Davenport)
Q What is your name? A C. R. Griffith
Q Where do you live? A Vinita.
Q How old are you? A 29
Q Where did you live before coming to Vinita? A Emporia, Kansas
Q Did you ever live at Neosho Falls, Kansas? A Yes,sir
Q How long did you live there? A From '76 until '87
Q While living there did you get acquainted with a colored man named Jim Landrum? A Yes sir.
Q Where was he living at that time? A Round town at different places, the last place that I remember him living at was on the east side of town in a little house he built there .
Q Did he have a family there ? A Yes sir.
Q Did you know the names of any of them? A Only of one boy, Ed, there were others though.
Q How long did he live there to your knowledge? A I don't remember when I first knew him, but he was there when I left, up to that time, anyhow.
Q You left there when? A '87 or '8 I forget which it was, I knew him a number of years there.
Q You never knew him before that? A No,sir.
Q Have you seen him since he came to this country? A Yes,sir
Q Do you know where he lives now? A No sir I just seen him here in town.
(By Smith)
Q You dont know who the applicant in this case is do you?
A That s the only Jim Landrum I know.
Q Do you know of your own knowledge that the man you are talking about is the same man who is making application for enrollment as a Cherokee freedman, here? A No sir I can't say that.
Q What year was the beginning of your acquaintance with the man you are talking about? A I can't say, Mr. Smith , I knew him when I was going to school there, I can't say when I first knew him
Q How long did you live in Emporia? A From '67 or '8 when I first went up there until '92 when I left
Q Where did you first know this man you are talking about in Neosho Falls, Kansas?
Q What year? A I knew him until I left there. I dont know when I first knew him.
Q Did you know him in Emporia? A No,sir.
Q You say you left there about '87 or '8? A Yes,sir.
Q You can't state how long you had been there when you left? A Not exactly because I came there either in '86 or '8
Q And you cannot say when you first knew Landrum? A No,sir.
Q Do you know his family? A Only one boy Ed.
Q Was he grown? A Yes,sir
Q What is Neosho Falls, a town? A Small village of seven or eight hundred
Q Have you been in Landrum's house there? A I have been by it.
Q You dont know when Jim Landrum went there? A No sir.
Q How old did you say you were? A 29
Q How often would you see Landrum there at Neosho Falls? A Some times every day for a good many days and then would'nt see him for a week or two.
Q Do you know if he lived at just one place or more than one place?
A He lived at more than one place in town there.
Q You dont know really how long you was there? A No,sir.
Q You dont know if he and his family was there ? A No sir I dont know how many he had in his family.
Q You don't know anything about where he lived before he was there?
A No,sir .
Q You dont know if he owned any property in the Cherokee Nation?
A No,sir.

REECE CRAVENS, being first duly sworn by Com'r T.B.Needles testified as follows on the part of the Cherokee Nation.

(By Davenport)

Q What is your name? A Reece Cravens.
Q Where do you live? A In Vinita.
Q How old are you? A 42 or 3
Q Did you ever live in Kansas? A Yes,sir
Q Did you ever live in Neosho Falls? A 12 miles from there
Q At what? A Iola.
Q Did you get acquainted with a colored man named Jim Landrum there in Kansas? A Yes,sir
Q Where was he living when you got acquainted with him?
A Geneva , a little town close to Iola.
Q After that where did he live? A Right in the country there all the time I knowed him.
Q Have you ever seen him since he left there? Yes, sir.
Q Where? A Here.
Q Vinita? A Yes sir.
Q Where is he living now? A North of here one other side of the mill.
Q How long has he lived there ? A Between five and six years
Q When did you see him in Kansas ? A About '80
Q Did he have a family? A Yes,sir.
Q Do you know when he came there? A No,sir.

(By Smith)

Q When did you first come to the Cherokee Nation? A I have been here off and on ever since the close of the war off and on.
Q Mostly off or on? A On every six months or so I would come here
Q When did you first come? A I come right after the close of the war.
Q How many places have you lived in Kansas? A I have lived in Lawrence and Topeka and Wichitaw and Iola.
Q Any other places? A No sir not permanently, I have been in other places, I didn't live there enough; I did stay a while in Coffeyville.
Q Did you ever live in Geneva? A No,sir
Q Ever live at Neosho Falls? A No sir.
Q What were you doing in Neosho Falls? A Going to meetings and fairs.
Q About how many places were you acquainted in Kansas? A I have told you the principal places where I was acquainted.
Q You have been testifying in a great many freedmen cases? A No sir, I have only been here twice before
Q You have been here more than that haven't you? A No,sir this makes the third time.
Q The other day didn't you say---When you were testifying the other day you didn't say anything about Neosho Falls did you?
A No sir I was never asked about it
Q Didn't I ask you to state all the places in Kansas that you were familiar with? A No, sir I don't think you did.
Q Didn't I ask you that and didn't you undertake to tell me all the places you had been in Kansas? A I named such places as you named, as you asked me about.
Q Didn't you undertake to name every place that you had been in Kansas? A No,sir, only those that you asked me about
Q Didn't you undertake to name all of them that you had been?
A No sir, I wasn't asked that question, you asked me if I had been in some places, but you never asked me no such question
Q You have been in the penitentiary haven't you? A Yes,sir.
Q In Kansas? A Yes,sir
Q You pleaded guilty to whisky selling in the Territory? A Yes, sir, but I never sold any.

This will be filed in the original application, D-694 and also in D-698; D-700; D-701 and D-701.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 18th of October, 1901.

(Signed) T. R. Needles,
Commissioner.

F. D. 600.

Department of the Interior,
commission to the Five Civilized Tribes,
Muskogee, I. T., April 29, 1902.

In the matter of the application of Jane Riley for enrollment as a Cherokee Freedman:

SUPPLEMENTAL TO D- 600.

Applicants represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

C. W. LEARNED, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A C. W. Learned.
Q Where do you live? A Neosho Falls.
Q What is your age? A 46.
Q How long have you lived at Neosho Falls, Kansas Mr. Learned?
A Ever since '57.
Q After you went to Neosho Falls, Kansas, did you get acquainted with Mx a family of colored people by the name of Landrum? A Yes, sir.
Q How long after you went to Neosho Falls did you learn to know them, Mr. Learned? A Why about '68.
Q What were the names of the Landrums that you knew there, the older ones, Mr. Learned? A Jack and Jim.
Q Did they have a family there? A Yes sir.
Q Where did they live with reference to where you lived, Mr. Learned? A Lived on my father's farm.
Q On your father's place; do you remember the names of any of their family, of the children? A Why some of them I remember Ed Landrum that was the son of James, a girl named Alice, one named Frances, and one named Hattie, and one named Bell, and one named boy, named John, and some more of them.
Q How long did either Jim or Jack Landrum, or either of them, continue to live on your father's place there near Neosho Falls to your knowledge? A Well Jim Landrum lived there from '68 to the time he left there. Well he didn't live there all the time on the place, he left after he had lived there about eighteen years; he left and come down here, but Jack Landrum, he lived there in '68
Q Did Jack Landrum have a family? A Yes, sir.

Q And Jim Landrum lived there until about when? A I think he come to town about '84 or '85, and then come down here.
Q What makes you remember that Jack Landrum lived there until about '68? A Why a fellow named Hanks had come out from Illinois to our place, and we went fishing, and we concluded we would rather go where the darkies were holding a meeting, and he got in trouble with them and into a fight with Jim, or that is he wanted to, and he made a disturbance, and so then he come back, and we went over to town, and he got in trouble there in town, and they arrested him and he had a trial.
Q Well now do you remember who were the witnesses in that case? A Tom Daniels was one.
Q Well do you remember any one else, whether any one else was a witness or not. Did you ever know a Ben Landrum up there? A No, sir, I never knowed a Ben Landrum.
Q Do you know where either of the Landrum families moved to when they left your father's place or that neighborhood? A Why, yes, sir, Jim Landrum moved to town.
Q Well where did Jack Landrum go? A Jack he pulled out, I don't know where he went. I suppose he come back down here.
Q Now from the time you went to Neosho Falls--that was in what year? A We went to Neoshos Falls?
Q Yes sir. A Came there in '57.
Q Well, now when did Jack and Jim Landrum move on your father's place with reference to the close of the war, whether it was before or after? A Well this was after the war, '68 was the first I recollect of them.
Q Well now then they lived on your father's farm until about then? A Yes, sir, on there in '68.
Q Jack or Jim moved away first? A Jack moved away first.
Q When do you think now he left the farm? A Well I don't know as I could just say when he left. but he didn't stay there very long after that.
Q And Jim stayed there several years? A Yes sir.
Q How many children had Jim when he came on your father's farm? A Didn't have any just married.
Q Did you know what his oldest child's name was? A Yes sir.
Q What was it? A Called her Alice.
Q What was the next one? A Ed.
Q Was Jim Landrum's family there when you say Ed was born? A Living on our place.
Q There near Neosho Falls? A Yes, sir, in two miles of thefalls, on my father's farm.
Q Well, since the birth of Ed have you ever seen him any since that time? A Yes, sir, he stayed there on the place till he grew up to be quite a chunk of a boy, and then he struck out and went to Wichita, and that's the first place I know when he left.
Q How long since you seen Ed? A Oh, it's been quite awhile. He was back there once, but I didn't get to see him.
Q About how old would he be now Mr. Learned? A Well, he must be in the neighborhood of thirty years, I think, somewheres along there.
Q How many children did Jim Landrum, about how many do you think that was born while he was living on your father's place? A Eight or ten.

MR. MELIETTE: When did you say your people first moved up there? A '57.
Q You remember that do you? A I remember when I first moved there, yes,sir.
Q You was a year old at that time, wasn't you? A '57.
Q Now you have said you remember when they moved there, and they moved there in '57; now you have said that your people moved there in '57, and that you remember it, didn't you? A Well, I don't know as I remember.

Q Well you swore it just now, that you remembered, and it's down there, and you're forty-six years old, and yet can remember when you was a year old, when you swear that you remember when your people moved there, don't you? A '57.
Q Huh? A '57. Well I knowed them in '59.
Q Well you swear you remember? A But I don't know as I remember.
Q Why didn't you swear just now that you remembered when your people moved there, didn't you? A I don't know as I did.
Q Didn't you just swear-- I ask you in the presence of all these witnesses--swear that you remembered when your people moved there in '57, now answer whether you said that or not? A I don't think I did.
Q You swear that do you; read the record.
(Record read).
Q Now don't you think that's rather wild swearing?
MR. DAVENPORT: I object to that question.
MR. MELLETTE: Don't you think that's rather wild swearing?
Commission: Answer the question, Mr. Learned.
A Swearing that I knew when I moved there in '57?
MR. MELLETTE: Yes, sir. A No, I don't recollect when I moved there in '57.
Q What made you swear it then? A Don't know as I understood the question.
Q Well I asked the question straight out; how old were you in '68?
A About 11.
Q About eleven years old, and you remember the dates this length of time and exactly when these people left there, and every thing of that sort, do you? A I remember because of the incident I told.
Q What incident? A The man getting in trouble and being arrested
Q Can you remember the witnesses that appeared that length of time age when you were only eleven years old? A Well Tom Daniels was a brother of Jim's,that's the reason I remember that.
Q You were eleven years old at that time wasn't you? A Yes,sir.
Q And you remember all about that? A Well, I don't remember all about it.
Q Were you at the trial? A No, sir.
Q How do you know who were the witnesses then? A Jim told me.
Q You're testifying to what people told you, are you? A I wasn't at the trial.
Q You don't know who were the witnesses, do you? A Jim said--
Q But I am not talking about what people said, but what you know about it? A I wasn't at the trial myself.
Q You don't know who were the witnesses? A Only what they said.
Q Do you remember when Jack Landrum left that country? A No, sir, I do not.
Q Didn't you say awhile ago that he left there in '68? A No, I said he might have been away in '68, but I knew him there, '68, he was on our place in '68. Jack Landrum was there in '68.
Q Don't you know that he is on the 1880 roll as a freedman citizen of the Cherokee Nation? A Well, I don't--
MR. DAVENPORT: I object to that because that's not evidence of where he was.
MR. MELLETTE: I would like to have the roll examined? I would like this testimony to show that John Landrum is on the 1880 roll, because--
MR. DAVENPORT: That's no evidence where he was in '68.
Commission: 1880 roll page 121, No. 1581, John Landrum, Cooweescoowee District, Adopted Colored.
MR. MELLETTE: Now there isn't any possibility of your forgetting the date exactly, being as you was only 11 years old at that time, was there? A I might have if it hadn't been for that trial.

Q You wasn't at the trial? A Well, I might have been talking about it.
Q What makes that rial impress upon you the fact? A Why that made me think when we was out there at the meeting.
Q What meeting? A Darky meeting.
Q When was that meeting? A That must have been along in about May, I guess.
Q Well do you remember every body that you saw up there when you was 11 years old? A No, sir.
Q Huh? A Don't know, sir, as I remember, if they hadn't been living on ournplace.
Q Who lived on your place? A Jack Landrum and Jim.
Q Jack Landrum and Jim; where were they in '66? A Couldn't tell you.
Q Don't know where Jack Landrum or where Jim Landrum was in '66?
A No, sir.
Q '67 where were they? A I couldn't tell you.
Q Don't know whether they were there or not, do you? A No, sir.

MR. DAVENPORT: You know that after that they lived on your fathers's place? A Yes sir.
Q And you know that Jim Landrum's children were born while they were living on the place? A Yes sir.

COMMISSION: The following is offered in evidence by the representatives of the Cherokee Nation:

"State of Kansas)
Woodson County.)SS.

I, A. C. Woodruff, Clerk of the District Court within and for said county and state above named, do hereby certify that the case of the State of Kansas vs. Booth Hanks was continued from the October Term, 1868, to the April term 1869, of the District Court of Woodson County, Kansas. I further certify that Thomas Daniels and Ben Landrum were witnesses in said case as the same appears on record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 25th day of April, 1902.

(Seal) A. C. Woodruff, Clerk."

MR. MELLETTE: Did you ever see that certificate? A No, sir I havn't seen it.
Q Did you ever look at the record to find out who were witnesses in that case? A I never looked at it myself.
Q Who did look at it? A A man by the name of Keys.
Q Mr. Keys was up there helping the Cherokee Nation find out who were witnesses in that case you speak of and then told you, didn't he? A I told him where he could find it; to go to Center, the county-seat, and he could find the record.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-601, D-605, D-903, D-664, D-700, D-701, D-702, D-1112, and in D-600, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

Philip G. Reuter,
Notary Public.

I, Margaret Crutsinger, being first duly sworn state that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing and that the same is a true and correct copy of the original transcript.

(Signed) Margaret Crutsinger.

Subscribed and sworn to before me this 8th day of May, 1902.

(Signed) P. G. Reuter,
Notary Public.

(seal)

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing and the same is a true and correct copy of the original.

(Signed) H. M. Vance.

Subscribed and sworn to before me this 26th day of July, 1902.

(Signed) Bruce C. Jones
Notary Public.

(Seal)

Maggie Kennedy, being under oath, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy and that the same is a full and correct copy of the original transcript.

Maggie Kennedy.

Subscribed and sworn to before me this the 17th day of October 1904.

Charles N. Sawyer
Notary Public.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 10, 1901.

In the matter of the application of Benjamin Beck for the enrollment of himself, his wife and three children, as Cherokee Freedmen. Benjamin Beck, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Benjamin Beck.
Q What is your age? A About 58.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My three children and wife I guess, she is adopted.
Q What is your wife's name. A Bettie Beck.
Q Is she a Cherokee citizen? A No, sir.
Q She is what is known as a state woman? A Yes, sir, I guess so, she used to belong to a Cherokee but she never tried to prove up.
Q How old is she? A She is 55.
Q Give me the names of your children? A Pearl.
Q How old is Pearl? A 20.
Q The next child? A Josephine Beck.
Q Hod old is Josephine? A 18.
Q The next one? A John Beck.
Q How old is John? A 15.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, have been.
Q Is your name on the roll of 1880? A I don't know, it ought to be if it isn't.
Q Is it on any of the rolls of the Cherokee Nation? A Yes, sir, on some of the rolls.
Q What rolls? A The last roll was made I guess has got it.
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.
Q Did you draw the Wallace money? A No, sir, I didn't that.
Q You drew the Kern-Clifton money? A Yes, sir, I drawed in in 1896.
Q Where were you married to your wife Bettie? A That has been about 22 or 25 years ago.
Q What was her name? A She was a Carter.
Q Was she your first wife? A Yes, sir.
Q You her first husband? A Yes, sir.
Q She is living? A Yes, sir.
Q You been living with her continuously since? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Benjamin Beck on page 127, No. 3155, Delaware district, as Ben Beck.
Bettie Beck not on Kern-Clifton roll;
Pearl Beck on page 127, No. 3156, Delaware district;
Josephine Beck on page 127, No. 3157, Delaware district;
John Beck on page 127, No. 3158, Delaware district.

Q Are these children all living with you at this time? A Yes, sir.
Q All born in the Cherokee Nation? A Yes, sir, part of them.
Q Were you a slave? A I was raised up with the Beck family, they claim I was a slave, my people was all part Indian.
Q Slave of who? A Joe Beck.
Q Where were you born? A Why when the war come up I was in

Flint district.
Q Did you go out of the Cherokee Nation during the war? A I was with the soldiers, yes sir.
Q Were you a soldier yourself? A No, sir.
Q Where did you go with them? A Traveled around there in the Nation a while, where they would fight.
Q D d you ever go out of the Cherokee Nation? A Yes, sir.
Q Where to? A Fort Scott, Kansas, is where they left me.
Q When did you come back to the Nation? A I came back after the war.
Q How soon after the war? A Well it was, the people said it was in '66.
Q You don't know what year it was? A No, I just know what the people told me.
Q Who did you come with? A I came the time Jack Landrum and George Landrum, I believe, and a lot of them.
Q Have you been living in the Cherokee Nation since that time? A Yes, sir.
Q Where did you marry? A I married up here on the line.
Q Is Pearl your oldest child? A Yes, sir.
Q You say up on the line; you,mean you married in Kansas? A Kansas.
Q A Kansas woman? A Well, yes.
Q Where was your oldest child born? A Up there.
Q In Kansas? A Yes, sir.
Q where was Josephine born? A She was born there.
Q And John? A No, sir he was born here.
Q Then you were living in Kansas when these children were born? A Well, I was in here and went back, I brought them in here after that.
Q You were living there when they were born? A Yes, I lived there a while.
Q Lived there when you married, about 22 or 23 years ago? A Yes, sir.
Q When did you come back from Kansas the last time with your family, and make your home in the Cherokee Nation? A I come back a couple of years I guess, after that.
Q After these children were born? A Yes, sir.
Q After the youngest child was born? A No, sir, the second.
Q After the two oldest? A Yes, sir, the youngest was born here; the middle one was born about 18 years ago.
Q And then you came back? A Yes, sir, about two years after that.
Q Two years after that, then you came to the Cherokee Nation about 16 years ago, is that right? A Yes, I guess it is.
Q Have you been living here ever since? A Yes, sir.
Q Got a farm in the Cherokee Nation? A Yes, sir, got town property.
Q What town do you live in? A Vinita.
Q You live in Vinita? A Yes, sir.
Q Why didn't you appear before the Commission when we were at Vinita? A My folks was sick, and then I couldn't get my witnesses
Q Who are your witnesses? A Rachel Beck and Ben Grimmett.
Q Where did you first see Ben Grimmett? A Big Creek.
Mr. Hastings: How long after the war? A Why it was when I first came back.
Q Did you live on Big Creek? A I lived there a while; that was when I was single.
Q How long did you live there before you went back to Kansas? A I didn't live there long, that was in my single days, I just traveled backwards and forth, different places in the Nation.
QQ You never located here until you married? A I had a place up

there a while but then I gave it up.
Q You never sold it to anybody? A I just gave it up to a man.
Q How log did you stay on that place? A Why I didn't stay on it, I just took it up, like the old rule used to be, we took up a place and sold it if we wanted to.
Q You didn't sell that? A I did? sell it, but then I didn't get nothing for it.
Q When did you sell it? A I don't know just exactly how long that has been.
Q Who did you live with up there? A Why I stopped with Moses Whitmire, little Mose, he claimed to be a relation on the colored side.
Q Is that the first time you ever saw Ben Grimmett? A Yes, sir, along there.
Q About how many years after the war was it when you saw him? AIt wasn't long after the war.
Q About how many years? A I don't know, might have been along about a year I guess; it was norated around up there in Kansas we all had to come back and I followed them, I was nothing but a boy, a young man.
Q Who did you come along with? A I came in with George Landrum and them after they came and Jim Landrum.
Q You didn't come with them? A No, sir, not exactly right with them.
Q You came afterwards? A Yes, sir.
Q How long had they been here when you came? A They came in the spring and I came along in the fall, as near as I can recollect.
Q The fall afterwards? A Yes, sir.
Q And you stayed there a short time did you, and you went back to Kansas A No, I stayed here a good while, first over up on Lightening Creek and on Grand River, with my people.
Q Whose place did you go to first? A I came to Nerv Whitmire, her husband was named Mose.
Q And they were living on Big Creek? A Yes, sir.
Q They have a house there? A They were just building.
Q Had they raised a crop there? A They had a little crop, they were clearing out in the timber.
Q They had some corn they had raised that year? A They were raising, yes,sir.
Q Who were your neighbors up there then? A There was several of them, the Whitmires.
Q Jim Martin live there? A Yes, sir, I was down to Jim Martin's place too.
Q He was living there then? A That is one Jim.
Q Cherokee Jim? A Yes, sir, there was two or three of them Jim Martins.
Q And Bill Martin his brother? A Yes, sir.
Q They were living there then? A Yes, sir.
Q What did you do up there? A I just knocked around and worked a little and traveled.
Q Where did you travel to, Kansas? A No, I never went then, I was in here off and on, and then I went to Fort Gibson, I was hunting up my people; for a long time they said my people was Cherokee and I met up with a good many Cherokees said my father was a full blood, and they claimed my mother was a darkey Cherokee woman, and I went to Fort Gibson.
Q You claim your mother was a Cherokee? A Yes, sir.
Q You say now who owned you? A I was with the Beck family.
Q Which one? A Joe Beck.
Q You old enough to know who owned you? A Yes, sir, I was old enough, I thought I was one of the Beck boys until after the war I came back hunting up my people.
Q How long had you known your wife up there before you married her

A Not long, I just went up there and married her.
Q That was in Emporia, Kansas? A Yes sir.
Q And your two children were born there? A Yes, sir.
Q Then where did you move? A Down here.
Q Where to? A Big Creek.
Q What year did you move down here? A I can't tell the years.
Q Was that about the time the Wallace payment was made? A Beofre that.
Q How long before that? A Some five or ten years I guess; five or six years I guess.
Q Well, you didn't have any place to call your home before you wem married? A Yes.
Q Where did you live? A I lived to myself, I rented.
Q Did you have a house of your own up there. A No, I never traded for any place or got any place there.
Q Where did you have a house to live in? A Why I rented a place, there was a house on it.
Q Whose place did you rent? A It was one place beyond the Wils Towers.
Q That was the first place you rented after you came back?
A Yes, sir.
Q Where was the place at? A There was a house adjoining it belonged to John Sanders.
Q He had a little farm in there when you came? A Yes, sir.
Q And you rented that the first year. A Yes, sir.
Q And you made a crop there? A Yes, sir.
Q How long had Wilson Towers been there when you came? A He had been there, they said he was there in '66.
Q How long was that before you came? A I don't know just exactly how long, he didn't have much broke out there.
Q About what size farm did he have when you came? A I suppose he had some fifteen or twenty acres broke out? A Yes, sir.
Q He had raised a crop on it the year before? A Yes, sir.
Commissioner: You say your father was a full blood Cherokee?
A Tes,sir.
Q What was his name? A Well, his name was Brumgould, George.
Q You don't claim through him? A No, sir; in the time I came back here hunting up my people, I came up with the Beck family and I thought they were my people.
Q You never found your people? A My father and mother was dead, my father and mother both died before I can recollect.
Mr. Hastings: The first time you saw Ben Grimmett xxx was when you were living on the Wils Towers place? A Yes, sir.

Ben Grimmett, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Ben Grimmett.
Q How old are you. A I am about 65 I guess.
Q What is your post office? A Nowata.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant Benjamin Beck? A Yes, sir.
Q Well, how long have you known him? A I have been knowing him I guess about, oh it has been a long time, I guess it was in the spring of '66 that is the first time I ever saw him.
Q Where? A At Pryor Creek.
Q You saw him in the spring of '66 at Pryor Creek? A Yes, sir.
Q Was he a slave before the war do you know? A No, sir, I don't know anything about that, I always took him for an indian.
Q And you saw him you think on Pryor Creek in the spring of '66?
A Yes, sir.
Q When did you come back? A I came back in the spring of '66.

Q Did you come to Pryor Creek? A Yes, sir, there is where I was living when I came.
Q And you saw Ben there? A Why after that he came.
Q The same year? A Yes, sir, the same year.
Q Where has he been living since that time, do you know? A This man, he used to live up here on Big Creek there somewheres.
Q Do you know his family? A Yes, I have seed them, I am not acquainted with them much.
Q You know how many children he has got? A I think he has got three, but I just seed the little children, I never did stop at his house.
Q You know his wife, Bettie? A Yes, I have seed her.
Q Do you know whether she is a citizen or not? A No, sir, I can't tell you.
Q Do you know where he married her? No, sir, I can't tell you that.
Q Do you know where these children of his were born? A No, sir, I don't know that.
Q But you are positive you saw him in '66 at Pryor Creek. A Yes, sir.
Q And you don't know who he belonged to? A No, I don't.
Q You don't know whether he was a slave or not? A No, sir.
Mr. Hastings: On whose place did he live when you saw him? A When I saw him up there, I never asked him that, he was just traveling.
Q Do you know one year from another? A Yes, I know one year from another.
Q Do you know that that was '66? A Yes, I know it was '66, they told me it was it, I hadn't been here a great while when he came.
Q Did he come by himself? A No, there was another man with him.
Q What was his name? A I can't tell you, I never asked him.
Q How long did Ben stay on Pryor Creek? A Didn't stay there any time, went on to Gibson.
Q You saw him every year since then? A Yes, sir, seed him all the time and been seen him all the time.
Q You are positive about that? A Oh yes sir, I have been seeing him all along.
Q Every year? A Yes, sir.
Q Where has he been living? A He was living up there, and then he moved from there and went to Vinita.
Q Did you ever see him on the Wilson Towers place? A Yes, sir.
Q When did you see him there? A Well, that is mostly the same time, I can't tell you.
Q About the same time that you saw him? A Yes.
Q Working a farm up there was he? A Yes, I guess he was, I can't tell you, I was living there, when I lived up there on Big Creek he was there.
Q That was in '66? A Yes, sir.
Q Wilson Towers had a place there did he? A I can't tell you whose farm it was, I can't swear that, he was there.
Q Ben, what year xxxxxxxx is this? A No I can't tell you about the dates of the months, I told you I didn't know about that.
Q This man any kin to you? A No, sir, no kin at all.
Q How much has he given you to witness for him? A He hasn't paid me anything.
Q How much has he agreed to pay you? A Never talked about that, all I know, I knowed him at such a time, and been seeing him.
Q How do you know it was that year when you don't know another date in the world? A He was here and I been seeing him all the time.
Q You have seen him from year to year since then? A Yes, sir; not ever year, but I seed him along.
Q Do you know whether he was living here or not? A I can't tell you that.

Q You have had a little trouble with the Courts yourself?
A I can't tell you that.
Q Didn't you have a little trouble in Tahlequah district over some turkeys or potatoes? A Not as I know of.
Q Didn't they convict you of stealing down there? A No, sir.
Q Didn't they whip you down there for stealing? A No, I don't know nothing about it.
Q Did you take them? A I can't tell you that, I am not witnessing for what was done, especially what was done in power.
Q I will ask you whether or not you were not convicted in that Court, or not? A I can't tell you.
Q Were not you whipped down there? A I am not saying that.
Q Were you or were you not? (No response)
Commissioner: You refuse to answer? A No, I will not answer.
Mr. Hastings: You lived in Tahlequah district a while? A Yes, sir, I lived there a while.
Q You got in some trouble about some turkeys or potatoes? A I don't remember anything about that.
Q You remember '66 better than you do then? A Yes, sir, I was interested, that is the reason, I don't know the dates of the month
Q What year did the Wallace Court sit? A I can't tell you that.
Q What year did the Kern-Clifton Court sit? A Didn't I tell you I don't know anything about the dates of the month.
Q When did you draw this last strip money? A I haven't drawed any, I was left out the time of the payment.
Q Do you know the year the payment was made? A No, sir, I don't know that.
Q That time you claim you saw this man on Pryor Creek was the first time you ever saw him? A Yes, sir, the first time.
Q He was a stranger to you then? A Yes, sir, I never did see him before.
Q This other man along with him was a stranger, was he? A Yes, sir.
Q Why is it you remember Ben Beck and you don't remember the other fellow? A The reason I know him, when I came up here that was his name, I didn't know his name when I saw him there.
Q You don't know at that time who it was? A Yes, I knew who it was.
Q How many years afterwards till you saw him on Big Creek; was he living with his wife the next time you saw him? A Yes, he was living with him wife.
Q And how long after that was it till you saw him living with his wife? A They been living together all the time.
Q How long after you saw him on Pryor Creek that you next saw him up here living with his wife; how many years? A I can't tell you.
Q Was it two or three years? A I can't tell you that either.
Q Was it as much as ten years? A I can't tell you, I don't know what it is at all.
Q Was it as much as twenty years? A No, I can't tell you.
Q You don't have any idea about how many years it was, do you?
A No, I don't, if I say I might be mistaken.
Q Was it as much as 25 years after that? A No, sir, I cant tell you that either.
Q Well, then you decline to state whether you have seen him for a length of twenty-five years right in there? A Well, it has been a long time I have been seeing him; I never counts the years at all, and I don't know anything about even the dates of the month
Q Your memory has got so bad you have forgotten about being whipped down in Tahlequah district? A Yes, sir, forgotten that too.
Commissioner: Do you know Wilson Towers? A Yes, sir.
Q He went out during the war, didn't he? A I can't tell you that, they were all living there.
Q You don't know whether he came back before you did or not?

A I came back before any of them.
Q You were one of the first fellows in, were you? A Yes,sir, that is the reason I know I was in time , there wasn't anybody living around when I came.
Q Wilson Towers came back after you did? A Well, he must have, I don't know anything about that; I didn't know as you would tackle me about what had passed away nearly forty years, and it wasn't fit.

Rachel Tanner, being duly sworn and examined by Commissioner Needles, testified through S.R. Walkingstick, a regularly sworn interpreter, as follows:
Q What is your name? A Rachel Tanner
Q How old are you? A About 73
Q What is your postoffice? A Vinita.
Q Are you a full blood Cherokee? A Yes,sir.
Q Do you know Ben Beck? A Yes,sir.
Q How long have you known him? A I have known him from a small boy.
Q Was he a slave? A Yes,sir.
Q Who did he belong to? A Eliza Daniels, a sister of mine, she was his owner.
Q Do you know whether en Beck when out of the Cherokee Nation during the war between the north and south? A Yes,sir, he went out for a while.
Q Do you know where he went to? A I think he must have went to Fort Scott, Kansas, somewhere up there.
Q Where did you see Ben Beck the first time after the war? A I met him on this side of Grand River, we just met up in the road, and he told me he was going to his mother's
Q What year was that, do you recollect? A I can't say as to the year, it was in the summer time.
Q Do you know about when that was with reference to when the war closed, or when the treaty was made, know anything about when the treaty was made? A This was just directly after the close of tthe war, a short time.
Q You can't name what year it was, was it '65 or '6 or '7 or '8? A No,sir, I can't say as to the year, but I remember it was in the summer time.
Q And very soon after the war closed? A Yes ,sir, it was right away afterwards.
Q Have you known him much since that time? A Yes,sir, I have known him all the time .
Q Lived in the Cherokee Nation has he, most of the time? A Yes sir
Q Do you know his children, his wife? A Yes,sir , I know them, there are only three .
MR. Hastings: Where do you live now? A Why I am just living around with my grandchildren up here on Big Cabin.
Q Is Ben any kin to you? A No,sir.
Q Where were you living when you saw Ben? A I had come from Delaware District.
Q Who were you living with in Delaware? A I was living with a man named Sequoyah, but after he died I moved away from there.
Q Was Sequoyah in the army? A Yes,sir.
Q And he had come back from the army , had he? A Yes,sir.
Q How many years did Sequoyah live after the close of the war? A He only lived a year and a half after the close of the war, we didn't live together quite two years.
Q And that was after he had come back from the war? A Yes,sir
Q This was then after Sequoyah had died when you saw Ben? A Yes sir
Q Where did Sequoyah die? A He died in Delaware.
Q And after that you moved out here? A I moved over to Little Cabin then.

Q How long had you been over to Little Cabin? A I can't state as to the length of time I have been there.
Q When you saw Ben? A I hadn't moved there yet, I was going to my sisters.
Q What is your sister's name? A Susie Landrum.
Q Where was Susie Landrum living then? A She lived on Little Cabin
Q That was after your husband died, was it? A Yes,sir, he had been dead some time.
Commissioner: Your husband was in the army was he? A Yes,sir.
Q And after he had been back about two years you saw Ben; is that it? A Yes,sir.
Q That was the first time you saw him? A Yes,sir, that was the first time.

Benjamin Beck, recalled, testified:
Commissioner: How long had you been back when you saw this old lady?
A I had been back I guess about two years before I went over there, I went over and met Arch Landrum, and we stayed all night with Cherokees on Grand River, and she was coming out here to her sister.
Q This man Wilson Towers is living? A Yes,sir.
Q And you came to his place? A Yes,sir.
Q He was there when you came? A Oh yes.
Q Had you come to his place before Grimmett saw you? A Yes, sir, that was when I was single, I wasn't married then.
Q Did you go to Towers' place? A Yes,sir.
Q And after you came to Towers place you went over to Pryor Creek and saw Grimmett? A Yes,sir, on Big Creek
Q About who was the first man you knew when you came back, Towers?
A No,sir, it was Mose Whitmire and his family, it wasn't this man here, it was that they call the little man, that lived up here on the head of Big Creek now, his wife was said to be a cous n of mine
Q The first people you saw in the Nation when you came back was Little Mose Whitmire? A Yes,sir.
Q Where is he? A He is dead, his wife is living.
Q Is she here? A No,sir, she isn't here, I visited them and Jack Landrum.
Q You are married to Bettie , you say? A Yes,sir, I don't know whether she can be adopted or not.
Q Where were you married to her? A In Kansas; I brought her in here.
Q you have been livin with her continuously? A Yes,sir
Q Is she living now? A Yes,sir.
Q Have you got any certificate of your marriage? A No,sir, I haven't got anything.
Q You get out a license in Kansas? A No,sir, I lost it.
Q You got out a license,did you? A No,sir, I was married by a preacher.
Q Could you ever get married in Kansas witnout getting a license
A Yes,sir, I just got married by a preacher
Q Any witnesses here saw you married? A Yes,sir.

Celie Kirkpatrick, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Celia Kirkpatrick
Q How old are you? A About 50
Q Do you know Ben Beck the applicant? A Yes,sir
Q Know his wife? A Yes sir.

Q Know whether they were ever married or not? A Yes,sir, they were married.
Q How do you know it? A I was there and saw them.
Q Where? A In Kansas.
Q Who were they married by? A Well I don't know the minister I guess Ben knows him.
Q Have you known them ever since? A Yes,sir.
Q They been living together continuously as man and wife since that time? A Yes,sir.
Q Living together now? A Yes,sir.
Q Have they got any children? A Yes,sir.
Q How many? A Three
Q Born since they were married? A Yes, sir.
Q How long had you known Ben before he married? A Been knowing him ever since he was a boy.
Q How long had you known him before he was married up there?
A I don't know, I knowed him all my life.
Q How long had you known him wife? A Well, I haven't been acquainted with her as long as I had with him, I knew her before she was married.
Q Where was he married? A Married in Kansas.
Q Emporia? A Emporia, Kansas.
Were you living in Emporia then? A I was in Neosha Falls, Kansas.
Q How far is that from Emporia? A I don't k ow.
Q Did you know ben over to Neosho Falls? A No,sir, I knowed him before he left the Nation when he was back there, he used to belong to the Becks.
Q Where did you know him µ; in Kansas then? A I saw him, ran on him in Emporia, Kansas.
Q How long before he was married? A I don't remember, a year or so I guess.
Q Was that the first time you ever saw him in Kansas? A Yes,sir
Q Well, did he live up there in Kansas after he married? A Yes,sir
Q How long did he live there or do you know that? A A year I guess, about a year.
Q Did he have any children up there? A He had Pearl I think.
Q What is his second child's name? A Josephine.
Q Was Josephine born up there? A I don't think she was; they had just one child I think.
Q You don't know about that then? A No,sir , I don't know about Josephine.
Q When did you come down here? A I been down here right away after the war ceased, I don't know what year it was.
Q Are you an applicant to be enrolled as a Cherokee Freedman?
A Yes sir.
Q Have you already applied? A No,sir.
Commissioner: Did you come back before Ben or afterwards? A Before I guess, no, afterwards.
Q You came back after Ben? A Yes,sir.
Q You say you knew Ben when he was a child before the war?
A Yes,sir.
Q Who did he belong to? A Belonged to Joe Beck.

Commissioner: Benjamin Beck applies for the enrollment of himself as a Cherokee Freedman, and his three children , Pearl, Josephine, and John. He also applies for his wife, Bettie, as a Cherokee Freedman by intermarriage. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is duly identified upon the Kern-Clifton roll

as well as his three children. He makes satisfactory proof as to his marriage. He avers that he was a slave of one Beck, who was a Cherokee Indian, and that he married Bettie Carter twenty-two or three years ago in the State of Kansas , and that his two oldest children, Pearl and Josephine , were born in the State of Kansas, and that he, two years after the birth of Josephine, who is 18 years old, removed to the Cherokee Nation and has been living here continuously. Benjamin Beck and his three children will now be listed for enrollment as Cherokee freedmen upon a doubtful card. His wife Bettie will be listed for enrollment upon a doubtful card as an intermarried citizen. The applicant will be duly notified by mail at his postoffice address of the decision of the Commission in his case.

-o-o-o-o-o-o-o-o-o-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testiomny in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones

Sworn to and subscribed before me this 19th of June, 1901.

(Signed) T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

Maggie Kennedy.

Subscribed and sworn to before me this 7th day of October 1904.

Charles A. Lawson
Notary Public

(C O P Y)

F. D-665.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27, 1902.

In the matter of the application of Benjamin Beck for the enrollment of himself and children as Cherokee freedmen.

SUPPLEMENTAL TO D-665

APPEARANCES:
Lewis T. Brown for applicant.
J. S. Davenport for Cherokee Nation.

ANDY FRYE, being first duly sworn, testified as follows:

MR. BROWN: State your name? A Andy Frye, is my name.
Q What's your age? A 67.
Q Your postoffice address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Is your name on the 1880 roll? A Yes, sir.
Q Do you know the applicant, Ben Beck? A Yes, sir.
Q When did you see him for the first time after the close of the Civil War in the Cherokee Nation? A It was in '66.
Q Where? A On Grand River.
MR. DAVENPORT: You say that you saw him, Andy, in '66 on Grand River? A Yes, sir.
Q Well about how long was you there with him in '66? A Why he was there for two or three months at a time, then he would disappear, and don't know where he would go, and he would be back.
Q What part of '66 did you see Ben Beck up on Grand River? A It was in the fall, along in the year.
Q How long did you see Ben Beck on Grand River? A I saw him there about two or three months on Grand River.
Q What part of Grand River was he living when you saw him? A I was living-
Q I am not talking about you--him? A Oh, Ben?
Q Yes, sir. A I don't know where Ben was living, he was there just backwards and forwards.
Q Well where did he go when he was backwards and forwards? A Why he said-
Q I am asking you what you know? A Well he would disappear.
Q What part of '66 did you get back? A I come back in October, '66.
Q How long had you been back when Ben showed up? A Oh, yes, sir, about a month I guess, yes, sir, I guess about a month. Yes, Ben was there till way along in the spring.
Q Who did he live with? A Why he just stayed around there among his kin-folks.
Q Who was his kin-folks? A Simon Lynch and Nancy, amongst them there, where I saw him principally at Simon's.
Q Well who did Ben come back to this country with? A I dont know who he come back with at all.
Q Who did you first see him with when you saw him? A I saw him right there at Simon Lynch's when I first saw him.
Q Well now which did you see first, Ben Beck or Jim Landrum? A Why I saw Jim Landrum, he was down here.
Q And Jim Landrum came before Ben did? A I don't know whether Jim come before Ben or not, I saw Jim.
Q You saw Jim before you saw Ben? A Yes, sir.

Q And that is all you are going by, is when you saw them, you are not certain as to when they came back to the country? A No, sir.
Q Well now which came first, Jack Landrum or Jim Landrum? A Why I don't know which one came first.
Q Now do you know where Jim Landrum, Jack Landrum and Ben Beck wnet to, if at all, during the war? A Why I know Jim and Jack went to Kansas.
Q Do you know what part of Kansas? A Why no, sir, I don't know exactly:
Q They went up about Neosho Falls didn't they? A Well I guess they did, somewheres.
Q You know Jim's family don't you? A Knowed his wife.
Q Did you ever know any of his children? A I knowed two of his children.
Q What were their names? A Well I don't hardly know their names, but I know them.
Q Well you are positive of the fact that you saw Jim Landrum back in the Cherokee Nation before you did Ben? A Yes, sir.
Q Did Jim have his family with him? A No, sir, I don't think he did.
Q Did he have any family at that time? A I don't know whether he had any family or not at that time.
Q Well did he continue to live there on the river after you saw him next? A No, sir, I didn't see him all the time.
Q Well did he have a home or try to live there? A I saw him there at his father's was all.
Q Who was his father? A George Landrum.
Q Well he was a grown man? A Yes, sir, he was a man.
Q He was a grown man before the war came up too? A Why he was about grown I guess.
Q Well don't you know he was about grown? A I guess he was.
Q Sixteen or seventeen or somewhere along there when the war closed?
A When the war opened. I reckon he was more when the war closed.
Q About 21 years old or upwards? A Yes, sir.
Q You don't know whether he had a family or not at the close of the war? A No, sir.
Q Did you ever know his wife's name? A Margaret I believe was her name.
Q Did you ever know any of his children? A Yes, sir, I know two of his children.
Was one of them Alice? A I knew Alice but I didn't know the other.
Q Did you ever know Ed? A No, sir, I never did.
Q Well how long after you saw Ben there did he take up his residence, if at all, near you? A Why Ben didn't take any residence down on the river at all.
Q Well when did he take any in the Indian Territory in the Cherokee Nation? A That's out of my knowing.
Q You don't know whether he ever lived in the Cherokee Nation at all?
A No, sir, I see he lived here, but then I don't know when he came back.
Q Now what other boy that was no relation to you do you remember seeing in the fall of '66 up there besides Ben? A Oh, I don't know.
Q Can you name a single one? A I couldn't name, no, sir.
Q How does it happen that you just remember Ben, because he is an applicant? A Because he lived right close to us.
Q Had you known him before the war? A I wasn't personally

acquainted with him.
Q What do you know in reference to where he lived before the war?
A No, sir, but I know that he belonged to the Becks.
Q You don't know of your own knowledge do you? A I heard of it.
Q And you just remember seeing him down there, and remember distinctly it was in '66? A I know it was in '66, and I were seeing Ben up until '69, and I know when he went out, he went out in '69.
Q You know that just as well as you know you seen him in '66? A Yes, sir, because he went out on my wagon.
Q Well where did Ben marry? A I don't know, sir, where he married.
Q Well when hewent out on your wagon where did he go? A Went to Iola, Kansas.
Q Well when did you next see him after he went out on your wagon?
A Why I never saw him no more till Colonel Wallace court there.
Q Never saw him any more until Wallace court? A No, sir.
Q And he was married and had a family when you saw him next? A I guess he did; he didn't have his family when I saw him.
Q He came down from Kansas to enroll there on the Wallace roll? I don't know where he came from.
Q Did you have any talk with him? A No, sir, nothing in particular.
Q Didn't you ask him where he had been living since he had been out on your wagon that time? A No, sir.
Q Now that Wallace roll was made in what year? A I don't recollect.
Q How do you remember distinctly that he rode out on your wagon in '69 and then can't remember what year the Wallace roll was made? A I can tell just how I remember. I had a child born in '68, my wife went to Kansas, and she went about '69 and Ben went with her.
Q You had another one born about the time the Wallace roll was made didn't you? A No, I guess not. I guess I had one child before that or since that.
Q And your wife went to Kansas to visit her sister along about the time the Wallace roll was made? A No, sir, she didn't.
Q She didn't make a visit and you can't tell what year the Wallace roll was made? A Oh, I can't just recollect just what year it was made.
Q Was it in '70 or '71 the Wallace roll was made? A I don't recollect, I tell you that I don't recollect.
Q Just remember those things that pertain to '66 is all. A I can remember very well what date that was that Ben went from here to Kansas.
Q You can remember the day of the month can't you? A No, I don't know the day of the month, but I can remember what month it was.
Q What month was it? A July.
Q '66? A Yes, sir. - '69, July, '69.
Q What year was the Kerns-Clifton roll made? A I don't recollect that either.
Q And you had the money paid out on the Kerns-Clifton roll? A I didn't keep that date.
Q What year did the Dawes Commission begin to make their freedman roll? A I have never kept that date.
Q What year is this? A 1802.
MR. BROWN: Do you mean 1802 or 1902? A 1902.
Q Now you are on the 1880 roll? A Yes, sir.

Q And the same year that you returned to the Cherokee Nation that you saw this applicant? A Yes, sir.

MR. DAVENPORT: I object to any such question; it is his own witness. Do you know where Ben was married? A No, sir, I don't recollect where he was married.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 8th day of July, 1902.

(Signed) P. G. Reuter

(SEAL) Notary Public.

Maggie Kennedy, being under oath, states that as stenographer to the Commission tc the Five Civilized Tribes, she made the above copy and that the same is a full and correct copy of the original transcript.

Maggie Kennedy.

Subscribed and sworn tc before me this the 7th day of October 1904.

Charles D. Davenport
Notary Public.

BCJ

Cherokee Freedmen D-665.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I. T. May 14, 1904.

In the matter of the application of Benjamin Beck for the enrollment of himself, his wife, Bettie, and his children, Pearl, Josephine and John Beck, as Cherokee Freedmen.

PEARL HUFF, being duly sworn and examined by the Commission, testified as follows:

Q. What is your name? A. Pearl Huff.
Q. How old are you? A. Be twenty-four the 16th of June, next month.
Q. What is your post office address? A. Sapulpa.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. Under what name did you make application for enrollment? A. Pearl Beck.
Q. Have you married since you were enrolled? A. Yes sir.
Q. When were you married? A. Two years ago the 27th of this month.
Q. Who were you married to? A. Presley Huff.
Q. Is he a Cherokee Freedman? A. No sir.
Q. Are you and he living together now? A. Yes sir.

Mary D. Risser, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony in this case, and that the above and foregoing is a true and complete transcript of her stenographic notes thereof.

Mary D. Risser

Subscribed and sworn to before me this 14 day of May, 1904.

Simon P. Wallingford
Notary Public.

(C O P Y)

C. M. McR.

Cherokee Freedmen D-665.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Benjamin Beck and his minor children, Pearl, Josephine and John Beck, as Cherokee Freedmen.

DECISION

The record in this case shows that on June 10, 1901, Benjamin Beck appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself, his wife, Bettie Beck, and his minor children, Pearl, Josephine and John Beck, as Cherokee freedmen. The said Bettie Beck claims only as a citizen by intermarrige, and her rights are not passed upon in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 15, 1901, and at Muskogee, Indian Territory, on May 27, 1902. The testimony taken at various times and places in the matter of the application for the enrollment of Jim Landrum, et al., as Cherokee freedmen, is made a part of the record herein.

The evidence in this case shows that the said Benjamin Beck was the slave of a Cherokee citizen at the commencement of the rebllion; that during said rebellion he left the Cherokee Nation, and the date of his return thereto is not clearly established. It appears from the testimony of the applicant, Benjamin Beck, that one Wilson Towers had established a residence in the Cherokee Nation and was living therein when the said Benjamin Beck first returned to the Cherokee Nation after the rebellion. The Commission has found in Cherokee Freedmen D-466 that the said Wilson Towers did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the applicant, Benjamin Beck, did not return to and establish a residence in the Cherokee Nation within the time specified in the decree of said Court of Claims. The applicants, Pearl, Josephine and John Beck, are the children of said Benjamin Beck, have been born since 1866, and have no right to enrollment except such as they may derive through their father.

It does not appear that any of the applicants herein are

identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Benjamin Beck, Pearl Beck, Josephine Beck and John Beck as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Muskogee, Indian Territory,

Jul 23 1904.

Cherokee F-1382.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee Land Office,
Tahlequah, I.T., February 15, 1905.

In the matter of the application of BENJAMIN BECK for the enrollment of himself and his children, PEARL HUFF, JOSEPHINE WILLIAMS, nee Beck, and JOHN BECK, as Cherokee freedmen.

SUPPLEMENTAL TESTIMONY.

JOSEPHINE WILLIAMS, being duly sworn and examined by the Commission, testified as follows:

Q What is your name? A Josephine Williams.
Q How old are you? A 22.
Q What is your postoffice address? A Coffeyville, Kansas.
Q Are you a citizen of the Cherokee Nation? A Yes ma'am.
Q Are you married? A Yes ma'am.
Q When were you married? A The 7th of July, 1903.
Q Whom did you marry? A Sylvester Williams.
Q Are you and he living together now? A Yes ma'am.
Q Is he a citizen of the Cherokee Nation? A No ma'am.

Mabel Maxwell Jones, being duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the supplemental testimony in this case, and that the above and foregoing is a true, accurate and complete transcript of her stenographic notes thereof.

Mabel Maxwell Jones

Subscribed and sworn to before me this 5th day of February, 1905.

J. L. DeGroot
Notary Public.

Copy 3 Encles.

Refer in reply to the following
La d.
52170-1904.

Department of the Interior,
Office of Indian Affairs
Washington, August 27, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated July 28, 1904, transmitting the record of the applica ion for enrollment as Cherokee freedmen by Benjamin Beck, for himself and his three minor children, Pearl, Josephine and John Beck.

July 23, 1904, the Commission decided adversely to the applicants.

The record shows that the principal applicant, Benjamin Beck, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he left the Cherokee Nation during the war, and that he returned to the Nation on or before February 11, 1867. He is identified on the Kern-Clifton roll as a citizen of the Cherokee Nation, as are also his three minor children heretofore cited. He has also shown by the testimony of three unimpeached witnesses t at he returned to the Cherokee Nation prior to February 11, 1867. The namesof the applicants are not identified on the 1880 authenticated Cherokee roll; but

that appears to be immaterial, as that roll was not a roll of Cherokee freedmen.

These applicants having been identified on an authenticated and recognized roll of Cherokee freedmen as Cherokee citizens, the burden of proof clearly rests upon the Cherokee Nation to show to the contrary.

The Cherokee Nation has filed no pertinent or material testimony in the case.

In view of the record it is recommended that the Commission's decision adverse to the applicants be reversed and that they be enrolled as Cherokee freedmen.

Very respectfully,

W. A. Jones,

Commissioner.

M.M.M.

L.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 6898-1904. September 9/ 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 28, 1904, you transmitted the record in the matter of the application of Benjamin Beck for the enrollment of himself and his three minor children, Pearl, Josephine and John Beck, as Cherokee freedmen, including your decision of July 23, 1904, rejecting the applicants.

Reporting August 27, 1904, the Commissioner of Indian Affairs recommended that your decision be reversed and that the applicants be enrolled as Cherokee freedmen.

The Department has examined the record and finds therefrom that Benjamin Beck is largely of Cherokee blood, that he was born a slave in the Cherokee Nation and was the slave of a Cherokee citizen named Joseph Beck at the beginning of the war of the rebellion; that he left the Cherokee Nation during that war for services in connection with the army and was left at the close of the war at Fort Scott, Kansas; that he returned to the Cherokee Nation before February 11, 1867. His exact whereabouts during each month

and season of the long period since his return to the Nation are not fully shown. He was married in Kansas. His eldest child, and perhaps the second child, was born in that State, but he was for a long period at or near his boyhood home, and when absent from the Nation frequently returned to the old locality as his home. There is nothing to show that this man has ever acquired or had any other legal residence than that to which he was born in the Cherokee Nation.

In view of the record, your decision adverse to the applicants is reversed and you are directed to enroll said applicants as Cherokee freedmen.

Respectfully,

(signed) Thos. Ryan

Acting Secretary.

COPY.

Cherokee Freedmen
D 665

Muskogee, Indian Territory, October 4, 1904.

Benjamin Beck,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting your application for the enrollment of yourself and your three minor children, Josephine and John Beck and Pearl Huff, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 9, 1904, and the Commission ordered to enroll you and your said minor children as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 668

Muskogee, Indian Territory, October 4, 1904.

Louis T. Brown,
Attorney for Benjamin Beck, et al.,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Benjamin Beck and his three minor children, Josephine and John Beck and Pearl Huff, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 9, 1904, and the Commission ordered to enroll said applicants as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 665

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Benjamin Beck and his three minor children, Josephine and John Beck and Pearl Huff, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 9, 1904, and the Commission ordered to enroll said applicants as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

Cher Fr 1383

Trans. from Cher Fr D 998

See Cher Fr D 989, D 1001, D 85, D 86, D 88, D 89

Cher Fr 1383

(1)

COM...

THE DAWES COMMISSION
TO THE FIVE CIVILIZED TRIBES.

FILED
JUL 19 1901

...ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1,1901.

In the matter of the application of Nancy Starr for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Nancy Starr.
Q How old are you? A I guess I am about 52; will be, my birth.
Q What is your post-office address? A Cottonwood.
Q What is your district? A Sequoyah.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever try to be enrolled in any other Nation? A No sir, No sir.
Q Who do you want to enroll besides yourself? A I have got one boy, he is 33.
Q Well he is old enough to chop wood himself; is your name on any of the rolls of the Cherokee Nation? A Yes sir.
Q On the 1880 roll? A No sir, it is on the Kern-Clifton and the Wallace roll.
Q Are you married? A No sir.
Q Were you ever married? A Yes sir.
Q What was your husband's name? A Sam Starr.
Q Is he living? A No sir.
Q What is your father's name? A Henry West.
Q Your mother's name? A Phoebe West.
Q Are you living? A No sir.
Q Your father living? A No sir.
Q Have you any witnesses here? A Yes sir.
Q Were you a slave? A Yes sir.
Q What was your owner's name? A Walk Mayfield was my boss. Jane Mayfield was my mistress.
Q Were they Cherokees? A They said they was.
Q What do you think about it, were they Indians? A Yes sir, they was Indians, said to be.
Q Did you go out of the Cherokee Nation during the war? A Yes sir, went to Texas.
Q When did you come back? A I come back next year after peace.
Q What year was that? A I don't know what year after I come they called it '66; I come back here next year after peace, in the winter.
Q Where did you come to? A I come to Lila Starr's place, that's where we stopped.
Q Have you been living in the Cherokee Nation ever since that? A Yes sir.
Q Never lived out of it? A No sir.
Q Were you married when you came? A No sir.
Q You have been married since? A Yes sir.
Q Are you living with your husband now? A He is dead.
Q You haven't married since is death? A No sir.

BY MR. JAMES DAVENPORT, Cherokee Nation:

Q Where were you living when you first remember? A I was born in Texas; I can't hardly remember when I was in Texas first time.
Q You were born in Texas after Walk Mayfield and the Mayfield family went to Texas? A After they went there?
Q Yes, you were born in Texas? A Yes sir.
Q They were in Texas at the time you were born? A I don't know,; when I remember good I was here.
Q Did you ever see Walk Mayfield in Texas? A Yes sir, I went to Texas with Walk Mayfield in time of the war.
Q You were born in Texas? A Yes sir.
Q When were you born in Texas, way before the war? A Yes sir.
Q When did you come from Texas to the Cherokee Nation? A I can't remember, I was small.
Q You came with Walk Mayfield when you did come and his family?
A I come from Texas when I was small child.

Q You remember that you came with Walk Mayfield don't you? A I do when I went to Texas time of the war.
Q You had come from Texas up here, and then went back during the war, that the way of it? A That's the way they said it was, I don't remember it; they said I was born in Texas; that's all I know.
Q You don't remember going to Texas with Mayfield? A I remember going there time of the war.
Q What part of Texas did Mayfield go? A Went down there near Bellview.
Q When did he come back? A Next year after the war, way in the fall like.
Q You came back direct to the Cherokee nation, or did you go back through Arkansas? A Where is Arkansas?
Q Don't you know where Arkansas is? A I don't know.
Q You don't know where Arkansas is? A We come back through Ft. Smith.
Q Aint that in Arkansas? A I don't know, sir.
Q How far is Cottonwood post-office from the line of Arkansas? A Cottonwood is in Sequoyah.
Q You know it is not but a little piece from the line of Arkansas don't you? A Line of the river?
Q No, line of the State? A I don't know where that is.
Q You never have been in Arkansas have you? A I have been to Ft. Smith
Q About how old were you when you came back to the Cherokee nation after the war? A 13, I believe.
Q Where were you living when you married? A Living in Sequoyah.
Q What place in Sequoyah were you living? A There where I am living yet.
Q On whose place was that? A I live on my father's place.
Q What is your father's name? A Henry West. Henry Mayfield, was his name in slavery.
Q Who lives near you there and who did live near you when you located there after the war? A Cherokee named Crying Bear lived there when we first built the place.
Q Anyone else living there? A Marion Johnson and Uncle Tom Ransdale and Billy Sanders and his wife.
Q How far is Cottonwood from where Calder is now? A 4 or 5 miles, I reckon.
Q How far do you live from John Gunter, or did you know? A 10 or 12 miles.
Q How far do you live from Dave Barber, you know him? A Yes sir, I don't know how far I live from him.
Q Your father living? A No sir.
Q Your mother living? A No sir.
Q When did your mother die? A She was gone dead 9 or 8 years.
Q When did your father die? A I disremember how long; he died since my mother died.

CROSS EXAMINATION BY COM'R RUNDLES:

Q You say your husband is not living? A No sir.
Q You are a widow now are you? A Yes sir. Houston West is brothers and sisters.
Q Did you come at the same time as Houston West? A Yes sir.
Q Was Houston West born in Texas? A No sir.
Q Are you older than Houston? A Yes sir.

Keam-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 111 #2779 Nancy Starr, (No district.)
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 139 #2912 Nancy Starr, Sequoyah District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined

Nancy Starr 3

and applicant not identified thereon.

Com'r Needles: Nancy Starr applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; she is identified upon the Kern-Clifton pay roll and the Wallace roll, according to page and number of the rolls as indicated in the testimony; she avers that she was a slave of Walk Mayfield, and Jane Mayfield; she avers that she was born in the State of Texas; she is a sister of Houston West, who was listed for enrollment as a Cherokee Freedman on D card 989, and the testimony taken in the application of said Houston West for his own enrollment will be made a part of the record in the case at bar, and a copy thereof will be filed herewith; as to her residence, reference is made to the testimony; she will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified by the Commission at her post-office address by mail of it decision.

----****----

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this July 15,1901.

Commissioner.

B 1998

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 1 1901

ACTING C[illegible]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date

Post Office

District

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12	Year	Page	No.	Dist.

Application made by Stenographer

File with C. J. [illegible] Starr,

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., July 1st, 1901.

In the matter of the application of Houston West for the enrollment of himself and five children as Cherokee Freedmen; he being sworn by Commissioner T.B. Needles, testified as follows-

Q What is your name? A Houston West.
Q What is your age? A 47.
Q What is your postoffice address? A Fulsom, I.T.
Q In what district do you live? A Sequoyah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q How do you want to have enrolled besides yourself? A Five children.
Q What are their names? A Ida West.
Q How old? A 19 years.
Q Next? A Fanny.
Q How old? A 17 years.
Q Next? A Fannie.
Q How old? A 15.
Q Next? A Georgia.
Q How old? A 13.
Q Next? A William.
Q How old? A 9 years.
Q Is your name on any roll of the Cherokee Nation? A Yes sir the Starr and Dawes rolls.
Q Are you married? A I have been, but not now.
Q Is your wife living? A The mother of these children is not living.
Q What was her name? A Lizzie Albert when I married her.
Q When were you married to her? A In '79.
Q Why is your name not on the roll of 1880? A I have always tried to get it on.
Q Why have you failed though? A Yes sir.
Q Is your wife a citizen? A Yes sir.

Starr Clifton roll examined and the name of the applicants found as follows-

Page 111, No. 2763, Houston West, Illinois District.
Page 111, No. 2765, Ida West, "
Page 111, No. 2766, Fanny West "
Page 111, No. 2767 Fannie West, "
Page 111, No. 2768, Georgia West, "
Page 111 No. 2770 Willie West. "

Dawes roll examined and the name of the applicant found as follows:

Page 147 No. 3063 Houston West, Sequoyah District.
Page 147 No.3064 Ida West, "

Q Were you a slave? A Yes sir.
Q Who did you belong to? A Polk Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Texas.
Q When did you return? A In '66.
Q What time in '66? A It was in the winter.
Q Were you married then? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since then? A Yes sir.
Q Were these children born here? A Yes sir.
Q And have they lived here all the time? A Yes sir.
Q Have you any proof of your marriage? A Your wife Lizzie? A Yes sir.
Q A marriage certificate? A No sir.

By L.B. Bell, Cherokee Representative-

Q Who was your father? A George West.
Q And your mother? A Phoebe.

Q And you belonged to the Mayfields? A Yes sir.
Q Where were you living when the war commenced? A On the old Blackburn place in Sequoyah.
Q When did you go to Texas? A The second year of the war.
Q Where did you stop at there? A At the old Mayfield place near Bellville, Texas.
Q Did your father belong to Walk Mayfield at the beginning of the war? A Yes sir.
Q When did your return home? A In '66.
Q Who with? A Walk Mayfield and his family.
Q What was his wife's name? A Jane Blackburn before she married her
Q What ever became of your father? A Died
Q Is your mother alive? A No sir.
Q Just you and Walk's family came together? A That is all.
By the Commission-
Q When did your father die? A In '93 or '4.
Q When did your mother die? A She died before he did.
Q Your father and mother are not on the roll of 1880? A No sir but I have a sister on the 1880 roll.
Q What is her name? A Mary Whitmire
Q Is she married now? A Yes sir.
Q Did she go to Texas with you? A Yes sir.
Q And did she return with you? A Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's sister found as follows-
Page 729 No. 1399, Mary Whitmire, Sequoyah District

Q You say this is your full sister? A Yes sir.
Q Same father and mother? A Yes sir.

Harrison Foreman called and sworn as a witness for the applicant:

Q What is your name? A Harrison Foreman.
Q What is your age? A 48
Q What is your post-office address? A Catoosa.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q A Freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Since the war.
Q Was he a slave? A Yes sir that is what I hear.
Q When did you first see the applicant after the war? A I can't be positive as to the exact time, in '66 I believe.
Q Where? A I was the ferryman at Fort Smith and I ferried him over the river.
Q Who was with him? A Walk Mayfield and his family and the applicant's father and mother
Q And you think it was in '66? A Yes sir.
Q Has he lived in the Cherokee Nation since '66? A Yes sir.
By Bell-
Q What time of the year was that? A I dont know if it was in November or December, but along there.
Q Walk Mayfield was his former owner? A Yes sir.
Q Is Walk living? A No sir.

Dennis Dean called and sworn as a witness for the applicant

Q What is your name? A Dennis Dean.
Q What is your age? A 42.
Q What is your post-office address? A Muldrow.
Q Are you a Cherokee freedman? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you know him? A Ever since-- I think it was the fall of '65.
Q Was he a slave? A Yes sir.
Q Who owned him? A Walk Mayfield.
Q Did this applicant go out during the war? A I guess they did.
Q When did you first see them after the war? A They was coming through making their way up by where I lived in '66, I lived on the

FOR ORIGINAL -
BEST AVAILABLE COPY

bank of the Arkansas this side of Fort Gibson Keith.
Q Who was with this applicant then? A His father and mother and two sisters I think a man named Tom Harnage and a woman named Agnie and Dave West.
Q Was Walk Mayfield with him? A Yes sir that was his owner.
Q Has this applicant lived here ever since? A Yes sir.
By Coll-
Q Where were you living then? A On this side of the river on the place that belonged to Minerva Thornton. The house is saved in now.
Q Was that the old George Johnson house? A No sir that was below us
By Commission
Q You are positive that your correct as to these dates? Yessir.
Q What circumstance makes you think it was in '66? A Because they was all harping about the '66 treaty then.

Albert Johnson called and sworn as a witness for the applicant

Q What is your name? A Albert Johnson.
Q What is your post office address? A Benge.
Q What is your age? A 43.
Q Do you know the applicant? A I do
Q How long have you known him? A Ever since I was a boy.
Q Was he a slave? A I guess he was, he was with Walk Mayfield.
Q Did he go out of the Cherokee Nation during the war? A Must have he came back.
Q How do you know he came back? A Moved on the Lilly Starr place in the fall of '65.
Q Where is that? A This side of the Arkansas river.
Q Who was with him? A His mother and father.
Q How you known him ever since that time? A Yes sir.
Q You are sure that it was in '66? A As my memory serves me it was '66.
Q You was home yourself then? A Yes sir
By Coll-
Q Who was with him, was Walk Mayfield with him? A Yes sir
By Commission;
Q Was Walk Mayfield a Cherokee citizen? A Said to be.
Q Do you know this applicant's wife? A Yes sir.
Q Do you know they were married? A Yes sir.
Q Was you there when they married? A Yes sir.
Q And saw them married? A Yes sir.
Q Who married them? A Jinkins.
Q What was her name when she married him? A I dont know now.
Q Where were they married? A At the Fox place.
Q Have they lived together since then continuously as man and wife? A Yes sir.
Q And raised family? A Yes sir.
By Coll-

Houston West applies for himself and five children, Ida, Nancy, Fannie, Georgia and William West; he cannot be identified on the authenticated roll of 1880 or the census roll of 1883; he is identified on the Warm Clifton roll and the Wallace roll, according to the page and number of the rolls as indicated in the testimony; he avers that he was the slave of Walk Mayfield, that he was taken out of the Cherokee Nation during the war and returned in 1866 with his master Walk Mayfield, and offers evidence to establish that fact. He makes satisfactory proof of his marriage to Lizzie Albert now deceased, who is the mother of his children; all of his children are identified on the Warm Clifton roll; he avers that he is the full brother of Mary Whitmire, they having the same father and mother; she is now married and enrolled on the authenticated roll of 1880; he avers that she returned to the Cherokee Nation with him at the same time as his father and mother and the balance of the family; the evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Na-

tion, and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given; consequently, the said Houston West and his five children will be listed for enrollment as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at he will be notified by mail.

+ + + + + + + + +

Chas von Weise, being sworn states that as stenographer to the Commission to the five civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein

(signed)Chas von Weise.

Subscribed and sworn to before me this the 15th of July, 1901.

(signed)T.B.Needles,
Commissioner.

W.D.Greer, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

W.D.Greer

Subscribed and sworn to before me this September 17th, 1901.

T. R. Breckinridge

Commissioner.

C.F. D- 998.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Houston West for enrollment as a Cherokee Freedman.

Testimony on behalf of Cherokee Nation.

Appearances:
Applicant not present:
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Attorneys for Cherokee Nation make proof of service of notice that they will introduce testimony in this case on September 4, 1901.

W. T. HARNAGE, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A W. T. Harnage.
Q What is your postoffice? A Tahlequah.
Q What is your age? A About 53.
Q You a Cherokee citizen by blood? A Yes, sir.
Q I believe you made a statement that you returned here in December of 1866, after the war? A Yes, sir.
Q To what part of the Cherokee Nation did you come? A Sequoyah district.
Q How far did you locate from Fort Smith? A Just across the river, about half a mile from the line.
Q What relation are you to Zeke Harnage? A Half brother.
Q Is he older or younger than you? A He is older.
Q Did you know Walk Mayfield? A Yes, sir.
Q What relation is he to you? A He is my uncle.
Q How long did you continue to remain down there in Sequoyah district immediately after you came? A I stayed there in the bottom until after Christmas, then I went up to Flint.
Q You stayed there until after Christmas of '66? A Yes, sir.
Q About the first of January? A About the first of January sometime.
Q Now did your uncle Walker Mayfield return when you lived there?
A No, sir.
Q Now how long did you remain up in Flint? A I stayed up there till about the middle of April and went back down in the bottom.
Q And when you came back had he returned then? A Yes, sir, he was there then when I went back to the bottom.
Q That was in April of what year? A '67.
Q But when you left there after Christmas of '66, about January, he hadn't come? A No, sir, he hadn't come in, we left him in Texas in the fall of '66.
Q You left him there? A Yes, sir.
Q Had he made a crop there in Texas that year? A Yes, sir.
Q You know what kind of a crop, cotton and corn? A Corn and cotton.
Q Well, how far did he locate from your place and from the place that you had stopped when you returned there in April of '67?
A About five miles.
Q He was your uncle? A Yes, sir.
Commissioner: He came there you say in April, '67? A I came back to the bottom in April '67 and he was there when I came.
Q Walker Mayfield was? A Yes, sir.
Q You know when he came there? A No, sir, he came after I left, I left the bottom in January, '67, and went up to my uncle's in Flint

and stayed there till April.
Q And he wasn't there when you left? A No, sir, but when I got back there, he was there.
Q What brings it to your memory that it was in '67? A Because it was in '66 when we came there, in the fall, and I stayed there till that Christmas.
Q You are positive of that? A Yes, sir, and after Christmas I went to Flint.
Q Couldn't have Walker Mayfield come to the Cherokee Nation before that date; you don't know when he actually did come, do you?
A No, sir, he wasn't there when I left.
Q He wasn't, you mean, on this place? A No, sir.
Q But you don't know whether he was in any other part of the Cherokee Nation when you left? A No, sir, I don't know whether he was.
Q The first time you saw him was in April, '67? A Yes, sir.
Mr. Hastings: I believe you stated you left him in Texas when you came up here? A Yes, sir, we left him in Texas when we started.
Commissioner: When was that? A In December, in November, '66.
Q He was living there then? A Yes, sir.
Q Did he bring his old slaves with him when he came back?
A Yes, sir.
Q Did you know Houston West? A Yes, sir.
Q When did you first see Houston West? A I saw them all together at that time.
Q Was Houston West in Texas when you left there? A Yes, sir.
Q Living on Mayfield's farm? A Yes, sir.
Q They made a crop there? A Yes, sir.
Q What kind of crop? A Corn and cotton.

EZEKIEL HARNAGE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Ezekiel Harnage.
Q What is your postoffice? A Foyil.
Q What is your age? A 59 years old.
Q You are a Cherokee citizen? A Yes, sir.
Q You were in Texas when the war closed, were you? A Yes, sir.
Q Now when did you return to the Cherokee Nation? A I came back on the 16th day of December, 1866.
Q Now to what part of the Cherokee Nation did you come? A Sequoyah District.
Q What relation were you to Walk Mayfield? A He was my second cousin; he was a first cousin of my mother's.
Q You and this other witness are half brothers? A Yes, sir.
Q Different mothers? A Yes, sir.
Q Now you came back, I believe you say, to Sequoyah District?
A Yes, sir.
Q Now you know Walk Mayfield, do you? A Oh yes.
Q Did you see him in Texas? A Yes, I saw him in Texas.
Q Now far did you live from him down there, or did he from you?
A About a couple of miles, or hardly that far.
Q Did you leave him, or he leave you there? A I left him there.
Q You moved up there in Sequoyah about December 16, 1866?
A Yes, sir.
Q Now what time did Walk Mayfield come to the Cherokee Nation?
A To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867.
Q Did he bring his slaves with him? A Yes, sir.
Q Did you know Houston West? A Yes, sir.
Q He had some boys, Houston, Callis and George? A Yes, sir.
Q Did you continue to reside there in Sequoyah District from December 16 up until the following April, March or April?
A Oh yes, I was there all the while.
Q About how far did Walk Mayfield locate from you when he came?

A I guess it was four miles and a half, or five.
Commissioner: Did you know Houston West? A Yes, I know those boys.
Q Did he have a sister named Mary? A I don't know anything about the girls.
Q Well, Houston West was a slave of Walk Mayfield? A Yes.
Q When did you first see Houston, after the war? A I saw him after the war, after Mayfield came back to the Nation.
Q With Mayfield's family? A Yes, sir.
Q Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867? A I am positive of it.
Q Is he living? A No, he is dead.
Q His wife living? A No, she is dead.
Q What fact fixes the date of Mayfield's return in your mind?
A The fact of the business is, the fact that fixes it in my mind was about going to work to make a crop.
Q Well, as to the year? A Oh, I know when I moved, and Walk Mayfield come the next spring like.
Q You know that you came in '66? A I know that, I am positive of the fact.
Q Where were you living in '65? A In Texas.

D. M. FALKNER, being duly sworn by Commissioner Needles, testified as follows:
Q What is your name? A D. M. Falkner.
Q What is your age, Mr. Falkner? A I am about 60.
Q What is your postoffice address? A Hanson, Indian Territory.
Q You a Cherokee by blood? A Yes, sir.
Q Mr. Falkner, you have been married, I believe, the second time?
A Yes, sir.
Q What was your first wife's name? A Her name was Rachel L. Adair.
Q That was her maiden name? A Yes, sir.
Q Was she any relation to Walker Mayfield? A Yes, sir, she claimed that Mayfield was her uncle.
Q Did you know Walk Mayfield yourself? A Yes, sir.
Q Where were you living in the year of '66 and the spring of '67?
A I was living in Sequoyah district, Cherokee Nation.
Q Did you know Walk Mayfield before the war? A Yes, sir.
Q When did Walk Mayfield return to the Cherokee Nation after the war? A Well, he returned about the first week of April, 1867.
Q Now Mr. Falkner, tell the Commission why you fix that time, all the circumstances? A Well, this young lady that I spoke of —
Q That you afterwards married? A Yes; she was boarding with my sister, teaching school, and the news come that her uncle had come home from Texas, just from Texas, and I went with her over there, that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in.
Q Well, how far was it that you had to go? A Four miles, and then I went with her over there, and the reason why I am so positive about it, me and her was married about ten or fifteen days after that; that is, this young lady.
Q Your first wife? A Yes, my first wife.
Q Rachel L. Adair? A Yes, sir, and I have got it in the bible at home, my marriage: we were married about a week or fifteen days after he came, and I think it is dated on the 17th of April, or the 27th of April, when me and her were married, and just a few days before that is when me and her went over there.
Q That is her uncle, Walk Mayfield? A Yes, sir.
Q You had heard of him coming these four miles here, and you went over there to see him, and they had just come in? A That is what they claimed, they had just come in

Q You hadn't heard of him before that? A No, sir.
Q Did they have some slaves, colored people, with them?
A Yes, sir, they had some there, of course I wasn't acquainted with the slaves, but there was an old man named Henry West, and I have known him ever since; they claimed he had brought in his slaves, and that old man was all I seen.
Q Had they unloaded the wagons when you got there? A There was a covered wagon standing there at the house when we got there.
Commissioner: What year were you first married, Mr. Falkner?
A It was in April, '67.
Q You are positive of that? A Yes, sir, I have got it in the bible at home.
Q You didn't know Henry West, a slave? A No, sir, I didn't know him, they told me then was his darkies, all I know.
Q You don't know of Walker Mayfield coming into the Territory before that time at some other point? A No, sir, that is the only time I heard about it, and I lived by him before the war.
Mr. Hastings: Your first wife is dead? A Yes, sir, she is dead.
Commissioner: Walker Mayfield dead? A Yes, sir.
Q His wife dead? A Yes, sir.
Q Any of his children living? A Well, I don't know, no, sir, all dead; he had three boys and they are all dead.
Q How far is this Walker Mayfield place, where he came to, from the Cherokee line? A It is about four miles and a half, or five; they crossed there at Fort Smith I suppose, to go to that place.
Q Four or five miles from that place to Fort Smith? A Yes, sir.
Q Coming from Texas then that would be the first place they would strike in the Territory? A Yes, sir.
Q There is where they all crossed? A Yes, sir.
Q Were you down in Texas? A No, sir, I was at Skullsyville, across the river there, in '65 and '66; '66 I moved over with my sister.

Commissioner: This testimony will be made part of the record in the cases of Callis West, D-1000, and George West, D-990.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and correct transcript from his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 6th of September, 1901.

C. R. Breedlove

Commissioner.

Nancy Starr
Cottonwood

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on Nancy Starr

by delivering a true copy thereof on the 5th day of Sept A. D. 1901.

Given under my hand this day Sept A. D. 1901.

Marshal for Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me this day of A.D. 1901.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 6 1901
866 P. O.

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Nancy Starr for enrollment as a Cherokee Freedman:

Case No. F. D. 693

To Nancy Starr Cotton or I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of [redacted] Indian Territory, on the following dates, to-wit: [redacted] A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 7th day of August, 1901.

Attorneys for the Cherokee Nation

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 5 1901

C.F. D-888.
-R-

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Nancy Starr et al. for enrollment as Cherokee Freedman.

O r d e r .

Commission: The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage, and D. M. Faulkner, taken in the matter of the application of Houston West, for enrollment as a Cherokee Freedman, at Fort Gibson, Indian Territory, on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

[illegible]
Notary Public.

F. D-839.

To be filed with C. F. D. 990, George West et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 23, 1902.

In the matter of the application of Houston West for he the enrollment of himself and children as Cherokee Freedmen.

SUPPLEMENTAL TO D-839.

APPEARANCES:
A. S. McRae for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court in 1871, as taken from a book from the records of the Executive Department of the Cherokee Nation entitled, Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871, and from that part of he book headed Doubtful Roll Sequoyah District, No. 143, the following:

"Henry West.
Decided against claimant June 15, 1871."

"The Cherokee Nation also desires to introduce in evidence a decision of what is known as the Chambers Court, on June 12, 18--, as shown from the citizenship record, No, 1, page 9, in the case of Henry West vs. the Cherokee Nation, the same being signed by John Chambers, President of the Commission, O. P. Brower, George Downing, Commissioners, countersigned D. L. Nicholson, Clerk of Commission, as follows:

"No. 1. Henry West vs Cherokee Nation.) Claim of Citizenship. Before the Commission on Citizenship, Sitting at Tahlequah, C. N. June 12th, 18

This case, comes under that class of cases, of which the Commission have jurisdiction under act of Dec. 1877, claiming citizenship under the 9th Article of the Treaty of 1866, in regard to persons of African descent. His statement alleges that he was a slave and owned by a citizen of the Nation, and both resident here at the commencement of the Rebellion. Claimant was afterwards sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above are proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The Comm find that the only testimony on that point, is the statement of Walter Mayfield, who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Comm to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 19th day of July 1866; and hence claimants return

in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of he Commission, and consequently they decide that said claimant is an Intruder, on the Public Domain of the Cherokee Nation.

Attest:
D. L. Nicholson,
Clerk Comm.

John Chambers,
President Commission.
O. P. Brewer)
George Downing,) Comrs."

Attention is called to the fact that at the head of the decision, dated June 12, 18-, that the date is omitted, but the decision on page 8 of the same book, in the case of Mary Ann Trimble vs. the Cherokee Nation, is dated June 7, 1878, and the case upon the day following this decision, the same being that of Crill Miller vs. the Cherokee Nation, is dated June 12, 1878.

MR. MCRAE: To all of which the applicant objects for the reason the cases cited does not tend in any manner to prove any issue in this case, and has no bearing whatever. Comes now the attorney for the applicant and objects to the introduction of the records above for the reason that neither of the records cited by the representatives of the Cherokee Nation in this case has any tendency whatever to prove any issue in his case, and for the further reason that the same is incompetent and irrelevant; and further, it appears that in the record as cited, the same being known as the Chambers record, that it appears upon the face of the same there is no year mentioned in the alleged decision of the said Commission as being rendered against Henry West, whose name is not mentioned in the application of the case at bar, and subsequently would have no bearing as to the rights and the status of these applicants. It would further appear that these applicants, Houston West et al, were slaves in the Cherokee Nation before the war of the rebellion, and were owned by a Cherokee citizen by blood. Consequently, the alleged decision as appears against Henry West would have no bearing upon these applicants, they being claimants in their own rights and for us. Mr. Hastings, I'll swear you, without waiving any of the objections.

T. T. Hastings, being first duly sworn, testified as follows:

MR. MCRAE: Your name? A T. T. Hastings.
Q Age and postoffice address? A I am 35 years old and postoffice is Tahlequah.
Q Mr. Hastings, what knowledge or information have you as regards the appointment of the Chambers Commission, by what constituted authority was this Commission appointed? A By an act of the Cherokee National Council, so I am informed and the records show.
Q I will ask you if it is not the law under the Constitution of the Cherokee Nation that in the appointment of these alleged Commissioners on citizenship, if when the commission has exercised its duty as regards the same, that before the same can become a law, either for or against the applicants as appear before these respective Commissions, would have to be ratified by the Council of the Cherokee Nation, ratified by the Council of the Cherokee Nation? A Well

I haven't that law before me, but I have no doubt from the [illegible] that I have read of it that it did admit a great number of people and it didn't take any subsequent action of the National Council.
Q Well do you know of your own knowledge or information whether or not there were any persons who appeared before these respective Commissions and their cases were submitted to the Council for admission or rejection? A There weren't any so far as I know except-there weren't any submitted to the National Council except, so far as I know, except some in 1871; none of these later Commission . they had full authority to investigate and and admit themselves or reject, and this Commission had authority to admit or reject, and the Council have no supervisory control over it.
Q Then the action of the Commission as regards the enrollment of citizens was final? A Yes, sir. Now I mean this Commission, yes, sir.
Q The Chambers Commission? A Yes, sir. Well I was stating my judgment of the law, I wasn't there, you know; never practised before it.
Q How about the Commission of 1871, known as-What's the name of that Commission? A Well, in 1869 an act was passed allowing certain people to go before the Chief Justice of the Supreme Court, and he had hearings up until some in 1871, I don't remember the exact date, but under that class of cases, and under that act, my recollection was that it was December 3, 1869, but I wouldn't be positive as to that, but anyhow under that the justice of the Supreme Court heard applications, and referred them to the National Council, but I know of no other authorities that did; don't recall any.
Q Who was the president of the Commission of 1871, chairman of the Commission appointed in 1871? A I would have to look that up. I believe John S. Vann; I know he was along about that time, but perhaps I am mistaken. Well, this record here shows that R. B. Daniels was Chief Justice in 1871. John S. Vann was along about that time, I don't know now just when he went in or out.
Q Who was the member of the Commission appointed to hear citizenship application in '71? A This book shows that R. B. Daniels was Chief Justice of the Supreme Court in '71; that book shows that.
Q I want to make a further objection as regards the entries of the '71 docket. It is further objected to as regards the introduction of the entries upon the docket of Doubtful Cases fro Cherokee citizenship tried in '71 for the reason that from the very face of the record produced, that the same appears more like the entries kept upon that of a day book than that of a regular record kept by a regular organized and a properly constituted court of record.

THOMAS A. WILLIAMS, being first duly sworn, testified as follows:

MR. McCRAE: What is your name? A My name?
Q Yes, sir? A Thomas A. Williams.
Q Your age? A I am 61, going on 62.
Q Postoffice address? A Muldrow, Indian Territory, Sequoyah District.
Q Mr. Williams, are you acquainted with Houston West and brothers? A Yes, sir, I am acquainted with Houston and especially acquainted with Callie West.

Q How long have you known him? A Well, sir, in 1866 I had a bunch mules, myself and Crosby, and we was keeping them on Camp Creek there right below old man Kent's, and some time in the early part of the winter perhaps, just before Christmas, two or three or four days, Walk Mayfield brought the family back there, they were there.
Q Who was Walk Mayfield? A Walk Mayfield? That was a Cherokee I took him to be.
Q Where was he when you saw him in '66? A I saw them and camped just about-about, when they first came there they came just above where the bridge is.
Q In the Cherokee Nation? A Yes, sir, in the Cherokee Nation, because I was crossing there with the mules.
Q Now I will ask you, Mr. Williams, how long have you lived in the Cherokee Nation? A Why, sir, I have lived in all of the Cherokee Nation, well, let me see, I came in there, I located one year in the Cherokee Nation before I was made a citizen of it.

I was in the Cherokee Nation in '67, the bigger part of the year in '67; then in '74 I came into the Cherokee Nation and made a crop, I believe it was in '74, and then in '77 I became an adopted citizen, and I have been there most of the time since.
Q Were you acquainted with the father and mother of these boys? A Why I have seen them hundreds of times, yes; I didn't have a close personal acquaintance with them because they were left to themselves.
Q You are positive that it was some time in the month of December, '66? A Yes, sir, to the best of my knowledge it was three or four days before Christmas.
Q In the Cherokee Nation? A They were in the Cherokee Nation, because I and Crosby was driving a little bunch of mules we had, taking them over.
Q Well to your knowledge, so far as you know, have they lived continuously in the Cherokee Nation since you first knew them in '66? A Yes, sir to the best of my knowledge their family was living and remained right there.
Q You have had occasion to see them oftimes since then? A Very often, we were hunting stock there very often.
Q And you say that your knowledge and acquaintance with Cal is in a very intimate nature? A Yes, sir.
Q And character? A Yes,sir, he a truthful, honest, straight, white man so far as I know.
Q You were at one time a recognized citizen of the Cherokee Nation, were you not? A Yes, sir, I was, and drew money from the Cherokee funds.

MR. HASTINGS: When did you draw money? A I think it was in '79 and maybe '83, the record shows. Dawes Commission found me on the record, and you can find me there very easy.
Q Don't you know that they didn't pay out any money either in '79 or in '83 to anybody in the Cherokee Nation, and therecords will show it? A Well, I don't remember the exact year, but it was along there somewhere, I drew in Tahlequah and I drew in Vinita.
Q Do you remember more about when you and Callis went than you do when you drew money yourself? A I made no minute of that, -
Q Well did you make any minute of seeing him? A I made a minute of some cows that he had got in.
Q More cows? A They made some record, that I remember very well.
Q What's Callis' wife's name? A I don't know both; which, his first wife?
Q Yes, sir. A I don't remember what his first wife's name was.

- POOR ORIGINAL -
BEST AVAILABLE COPY

Q How many children did he have when you first saw him? A Why he didn't have any one.
Q Did he have a wife? A No, sir, wasn't no wife.
Q About how old was he when you first saw him? A I don't know; he was a kid of a boy.
Q Don't have any idea about that? A No, I couldn't think anywhere about it.
Q With whom were you living when you first saw him? A I was living with myself.
Q Where? A Why I was going from Fort Smith to Jennie Lind and around; we had a bunch of cattle, they were scattered, and we had some cattle in the Cherokee Nation, and quite a little bunch in Arkansas.
Q Who owned them? A He and Jesse Crosby, that fell out of a two-story window in Fort Smith and broke his neck in two.
Q He isn't alive now? A No, sir, he's dead now.
Q Did you know any other Cherokees over there in '66? A Why I think I did. Uncle Billie Wilson.
Q He's dead too? A Yes, sir.
Q Was he there in '66? A He was quartered there in '66 I think.
Q Now, Mr. Williams, Walker Mayfield testified, and the record in this case shows, that he returned to the Cherokee Nation there with a crowd of people on the 4th day of April, '67, and the testimony of a number of other reputable witnesses is to that effect; what do you say about that? A Well I will say that I am not responsible for what Walker Mayfield swore.
Q Well do you say that isn't true?
MR. MCRAE: You say that Walker Mayfield has testified to that in this case?
MR. HASTINGS: No, I say he has testified and the record shows.
MR. MCRAE: This record?
MR. HASTINGS: Yes, sir.
MR. MCRAE: This judgment just closed here?
MR. HASTINGS: Yes, sir.
Witness: Well, to the best of my recollection it was three or four days before Christmas that I saw Walk Mayfield here. Whether he went back into the state and came back again into the Nation I don't know now.
Q Mrs. D. M. Faulkner swore in '96 that her uncle, Walker Mayfield, came there about the first of April, '67, and that she was teaching school in that vicinity, and that she went out there to see him. Do you say now that you put your judgment, and you a stranger, as against those who were blood relatives? A I put my recollection, I am telling just as I remember it; it certainly was just before Christmas that we drove our mules over, and the family was certainly there; to the best of my recollection it was just before Christmas.
Q D. M. Faulkner, who lives at Hanson, swears that Walker Mayfield, who was his wife's uncle, came back in '67 in April, do you dispute that? A Why I am not disputing; I am telling you the best of my recollection, and I recollect where I first saw Walker Mayfield when I came back from Texas.
Q Did you know him before the war? A I had seen him a few times.
Q Where did he live? A He lived right close to where the railroad runs now.
Q Did you see him there? A Not him in Fort Smith, and I have seen him over in the Nation.
Q In the Nation before the war? A Yes, sir, I was all through that country before the war.

Q Was Walter Mayfield married before the war? A I don't know anything about his marriage there; I have no knowledge of that.
Q Did you ever leave the Cherokee Nation before the war? A I had a home, a solid home, in the Cherokee Nation before the war as a matter of fact.
Q Well now where did you keep those cattle in the Cherokee Nation in '66? A We bought some cattle in the Cherokee Nation.
Q Well where did you keep them though? A Just bought them and let them run until we come and drove them out.
Q Then they were just scattered on the range? A Scattered all around, they were all over there, and I bought some from a man by the name of Price.
Q Where did he live? A Somewhere on Cabin Creek.
Q You have just now been rejected by the Commission as an applicant for citizenship, haven't you? A Yes, sir, I don't care a rotten about the rejection. I would rather be a white man than a Cherokee so far as my preference is concerned.
Q Well you have got your preference? A I have got it, too. The young clerk here, I like him splendid for giving me my preference.
Q Well you just answer my questions. Now you are willing to swear as against those other people that the family came back there just before Christmas, '66? A To the best of my knowledge.
Q Then you are not positive about it? A To the best of my knowledge. That's what the young man qualified me to swear, to the best of my recollection.

MR. MCRAE: You have knowledge of years, haven't you? A It seems to me like I ought to have; I was born in '41, and I was a United States soldier, and I ought to have been old enough to have some knowledge of things. I wouldn't story for Callis West to get into the Cherokee Nation.
Q Well you aren't any too likely to be mistaken in your statement that Mr. Mayfield would be in it? A No, sir.

MR. HASTINGS: But Mr. Mayfield testified in '72, only 12 years after that time.

COMMISSION: This testimony will be filed in and made a part of the record in the following freedmen cases: D-998, being that of Nancy Starr; D-999, being that of George West et al; D-1000, being that of Callis West; D-1032, being that of Eugenia Harris et al; and D-1054, being that of Callis West, and in the case at bar, D-898, the style being the case of Houston West et al. It appears from the records of the Commission that the above named applicants are all represented by A. S. McRae.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of July, 1902.

(SEAL) (Signed) P. O. Reuter.

Notary Public.

I, Arthur C. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur C. Evans.

Subscribed and sworn to before me this the 30th day of Aug., 1902.

B O Jones
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Starr et al. as Cherokee Freedmen, consolidating the applications of

Nancy Starr,.....	Cherokee	Freedmen	D	998
Samuel H. Starr, et al.,.....	"	"	D	85
Sarah Barnes, et al.,.....	"	"	D	86
Nellie McLain, et al.,.....	"	"	D	88
Henry Starr, et al.,.....	"	"	D	89
Charles Mayfield, et al.,.....	"	"	D	1001

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Nancy Starr for herself; by Samuel H. Starr for himself and his three minor children, Sallie, Lillie and Leona Starr; by Sarah Barnes for herself and her three minor children, Jennie, Samuel and Nola Barnes, and subsequent to this application, a birth affidavit was filed for her child, Robert Barnes, and is made a part of the record herein; by Nellie McLain for herself, her three minor children, Leo, Maxie and Cassie V. McLain, her sister, Annie Starr, her two brothers, George and Turner Starr, her niece, Frances Wilson, and her two nephews, William B. and Ernest Wilson; by Henry Starr for himself and his two minor children, Henrietta and Jessie Starr, and subsequent to this application, a birth affidavit was filed for his child, Harry Starr, and the same is made a part of the record herein; by Charles Mayfield for himself and his five minor children, Emanuel, Beulah, Royal, McKinley and Nathaniel Mayfield, and subsequent to this application, a birth affidavit was filed for the applicant's child, Bennie Mayfield, and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the application of Houston West, are made a part of the record herein.

The evidence shows that the said Nancy Starr was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. All the other applicants, herein, are the descendants of said Nancy Starr and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Starr, Samuel M. Starr, Sallie Starr, Lillie Starr, Leona Starr, Sarah Barnes, Jennie Barnes, Samuel Barnes, Nola Barnes, Robert Barnes, Nellie McLain, Leo McLain, Maxie McLain, Cassie M. McLain, Annie Starr, George Starr, Turner Starr, Frances Wilson, William B. Wilson, Ernest Wilson, Henry Starr, Henrietta Starr, Jessie Starr, Harry Starr, Charles Mayfield, Emanuel Mayfield, Beulah Mayfield, Royal Mayfield, McKinley Mayfield, Nathaniel Mayfield and Bennie Mayfield as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

MAR 21

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

COPY.

Cherokee P.D-998

Muskogee, Indian Territory, July 11, 1903.

A. S. McRea,

Attorney for Nancy Starr,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application of Nancy Starr for the enrollment of herself as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting her said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-74

Register.

COPY.

Cherokee P. D-998

Muskogee, Indian Territory, July 11, 1903.

Nancy Starr,

Cottonwood, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has this day been forwarded your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, together with a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Commissioner in Charge.

Enc. D-73

Register.

COPY

Cherokee P.D-998-
85-00-99-89-1901

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Nancy Starr et al., rejecting the applications for the enrollment of Nancy Starr, Willie, Lee, Nellie and Bessie M. McBride, Annie, George and Turner Starr, Frances, William D. and Ernest Wilson, Sarah, Minnie, Samuel, Lola and Robert Barnes, Samuel H., Callie, Willi , Leon , Henry, Henriotta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Lowell, Berlin ey, Nathaniel and Minnie Mayfield as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

mc. D-76

00

Cherokee T.D-976-
03-04-SS-369-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Lee, Mamie and Cassie M. McClain, Annie, George and Turner Starr, Frances, William L. and Ernest Wilson, Sarah, Jennie, Samuel, Nola and Robert Harris, Samuel H., Sallie, Lillie, Leona, Henry, Henrietta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76

COPY.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel H. Starr for the enrollment of himself and his three minor children, Sallie, Lillie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Jennie, Samuel, and Nola Barnes; of Nellie McLain for the enrollment of herself and her three minor children, Leo, Maxie and Cassie M. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William B., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Beulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Bennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are f found on the 1880 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved January 28, 1898 (30 Stats., 495).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 62 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Mayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview; that they came back the next year after the war "way in the fall like".

The witness testifies that she now lives on her father's place; that his name was Henry Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Marion Johnson, Uncle Tom Ragsdale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage and D. M. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1866; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

On cross examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellview, Texas; that his father belonged to Walk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Walk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitmire, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitemore is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1901, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Harnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this ppint, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

In other words, it is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commission then makes inquiry as to when the witness started from Texas, and he replies "In December, in November '66". The witness further testifies that Walk Mayfield brought his old slaves back with him; that he knew Houston West and saw them together at that time; that Houston West was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Harnage, who says he is 59 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Harnage.

The witness further testifies that he knows Walk Mayfield; that he say him in Texas; that he lived within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "Now what time did Walk Mayfield come to the Cherokee Nation"? Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brough his slaves with him; that he knows Houston West; and that he, the witness, continued to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first say Houston after the war, after Mayfield came back to the nation, and say him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee Nation until after January 1867; that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is D. M. Falkner, who says he is about 60 years old, is a Cherokee by blood; that is wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news come that he uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in?

The testimony further shows that the witness had to go four

miles, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 27th of April when they were married; and that just a few days before that was when he and this young la dy went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought the slaves but that the old man was all he saw.

Counsel for the nation then asked this witness the following question: "Had they unloaded the wagons, when you got there?" Answer " There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Harnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

show that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Harnage, does not know when Walk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, D. M. Falkner, testifies that Mayfield returned about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Adair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Falkner and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Falkner testifies that Mayfields claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for even th though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Falkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

Now, adverting to the testimony of Nancy Starr, I consider her testimony direct and to the point, and it appears from her replies that she is more or less intelligent and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testifies that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the application of Samuel W. Starr for the enrollment of himself and his three minor children, when being cross examined by the representative of the Cherokee Nation, as follows:

"You know what month of the year you came in, was it April?" Andswer. "No, I came back herein the winter, snowey, sleety, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Mayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the 1880 roll, and has been enrolled as a Cherokee Freedman citizen of said nation, and the testimony of all the witnesses in this case shows that this sister and her said brother, Houston West returned at one and the same time, and that in fact Walker Mayfield and all of his slaves returned together.

From the testimony submitted it plainly appears that while the Walker Mayfield slaves were in law free, yet they evidently remained as a part and parcel of the family and had worked for him, or with him, on the Mayfield farm in the State of Texas and raised a crop there during the summer of 1866. It is quite evident to my mind from all of the testimony, and the facts, that his slaves at that time had no domicile in the State of Texas, that like himself they were there temporarily, and in view of the further fact that his said relatives, W. T. Harnage and Ezekiel Harnage returned to the Cherokee Nation late in the fall of 1866, I can not understand why he remained in Texas so long as to not be able to reach the Cherokee Nation until the first week in April 1867. Being a farmer it would be but natural that he would want to remove to the nation in time to look after a crop for the year 1867, and I am fully satisfied that the claim of these applicants that the said Walker Mayfield did return in the late fall or early winter of 1866-7 is correct; and that he did return to said nation taking with him said slaves prior to February 11, 1867. There is not a particle of proof that he did not do so, and where it is impossible to fix the exact date of the return of these parties I consider that a decision must necessarily be given upon such facts

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants, they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen, I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tonner
Acting Commissioner.

W.C.R.(B)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 10886-1904. April 4, 1904.

I.T.D. 1158-1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freedman case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

signed. Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedman
D 998

Muskogee, Indian Territory, April 18, 1904.

Nancy Starr,

Cottonwood, Indian Territory.

Dear Madam:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 998.

Muskogee, Indian Territory, April 18, 1904.

A. S. McRea,

Attorney for Nancy Starr,

Muskogee, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, the application for the enrollment of Nancy Starr as a Cherokee freedman.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish the applicant. You are advised that the applicant will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 86-6-8-9, 998
& 1001.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 86-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of Nancy Starr et al., as Cherokee freedmen, freedmen number D-998, the Commission's decision in which case rejecting the applicants was forwarded to the Department on July 11, 1903, there is herewith enclosed motion on behalf of the applicants to reopen and remand this case for further hearing.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. D-33.

Cherokee Freedmen D-83-6-8-1-998-1001.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sirs

Referring to Departmental letter of April 4, 1904, (I.T.D. 1168-1904) there are herewith enclosed argument of the Attorney for the Cherokee Nation, and the reply of the applicants' attorneys, in Cherokee Freedmen D-83, et. al., Nancy Starr, et. al.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 1-12.

W. C. F.
EHE J. P.

D. C. 24239-1904.
I. T. D. 1168, 4648-1904.
4723-5406-
L. R. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Lane, Starr, et al, including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation, and directed to notify the attorney for the Cherokee Nation that he would be allowed thirty days within which to file an argument in the case he might desire, and the applicant ten days within which to answer same.

On May 25, 1904, you transmitted a motion on behalf of the applicants, to reopen and remand the case for further hearing. On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case. On June 9, 1904, said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which he states:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The record before the Department fails to show that said Henry West was rejected by said Courts, or that he made application to said Courts for admission to citizenship in the Cherokee Nation, as is claimed by the attorney for said nation. It is desired that you report to the Department what the records of your office show relative to the action of the courts upon the application of Henry West, and if you have not a copy of the record concerning said application, it is desired that you procure same if possible and forward it direct to the Department to be considered in connection with the case.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

Muskogee, Indian Territory, July 1st, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission is in receipt of departmental letter of July 6 (I.T. 5406-1904), in which it is stated that in the Choctaw freedman case of Jenny Starr, et al., now pending for the Department, the attorney for the Commission on April 22, filed a brief protesting against the proposed decision, and that on June 9, the attorney filed a supplemental brief on behalf of the Choctaw Nation in which it is stated:

"The record in this case shows that the father and grandfather of all the claimants appealed to the Court of Claims in December 1871 which was the sitting term of the Court of Claims duly authorized by an act of the National Council dated December 3d 1869, and that the Court rendered a judgment after hearing the testimony and considering the case, refusing to appoint a guardian ad litem as applied for by the Commissioner of Choctaw Affairs. In lieu this same Court appointed the "Choctaw Court" which was authorized by the act ratifying the agreement of September 1 '77, under which the Choctaw Council, assembled October 1 '77, and after duly having been organized, passed an act, a certified copy of which was received and signed by all of the members of the Court refusing to appoint."

The Department's letter of transmittal requested that with the Commission's decision in the case of Jenny Starr et al. to show the facts as above set out, and it is requested that the Commission inform the Department as to what the records in the office disclose in regard to this matter.

In reply the Commission desires to report that on May 23, 1902, the attorney for the Cherokee Nation introduced in the case of Nancy Starr, et al., a copy of the decisions of the Cherokee Citizenship Commission above referred to in the application for admission made to them by Henry West, which record should have been transmitted to the Department with the Commission's decision in the case of Nancy Starr. In order to complete the Department's record in this case there is herewith inclosed a copy of the said decisions.

Respectfully,

Commissioner in Charge.

Encl. S-58.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1904, transmitting a copy of the decisions of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

J.P. W.C.P.
I.I.B.

I.T.D. 1141, 4642-1904.
[illegible], 4406-1904.
[illegible], 4202-1904.
[illegible], 6244-1904.

September 17, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1904, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr et al., including your decision of July 1, 1904, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1878 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

18 inclosures.

(1) "RH

COPY

Cherokee Freedmen
D 908, et al.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel H., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Leo, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Dennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen
D 998

Muskogee, Indian Territory, October 6, 1904.

Nancy Starr,

Cottonwood, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll you as a Cherokee freedman.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 996

Muskogee, Indian Territory, October 6, 1904.

A. S. McRea,

Attorney for Nancy Starr,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, the application for the enrollment of Nancy Starr as a Cherokee freedman, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicant as a Cherokee freedman.

Respectfully,

Tams Bixby

Chairman.

COPY.

7 178-.

Muskogee, Indian Territory, November 5, 1904.

Thomas J. Watts,

Attorney for Nancy Starr, et al.

Muldrow, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of October 31, asking to be advised when Nancy Starr et al., will be permitted to appear before the Cherokee Land Office and make allotment selections.

In reply you are advised that the names of the applicants in these cases were placed upon a final schedule of Cherokee freedmen which was forwarded to the Secretary of the Interior on November 2, for his approval. It is impossible for the Commission to state definitely as to when said schedule will be approved by the Secretary, but it is supposed that such action will be taken in the near future.

Respectfully,

SIGNED. Tams Bixby

Chairman.

Cher Fr 1384

Trans. from Cher Fr D 85

See Cher Fr D 86, D 88, D 89 and D998

Cher Fr 1384

FILED
APR 19 19

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 16,1901.

In the matter of the application of Samuel H. Starr for the enrollment of himself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Samuel H. Starr.
Q How old are you? A 26.
Q What is your post-office address? A Cottonwood.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee Nation as a Freedman? Yes sir.
Q Is your name on the roll of 1880? A No sir, I don't guess it is.
Q Why? A I don't know.
Q Who do you desire to enroll besides yourself? A Three children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sadie Starr.
Q Is she a citizen? A No sir.
Q What are the names of your children? A Sallie.
Q How old is Sallie? A Five years old.
Q What is the name of the next one? A Lillie.
Q How old is Lillie? A Three.
Q Name of the next one? A Leona.
Q How old is Leona? A Ten months old.
Q What was your father's name? A Sam Starr.
Q Is he living? A No sir.
Q Your mother's name? A Nancy Starr.
Q Is she living? A Yes sir.
Q Where were you born? A Cherokee Nation, sequoyah.
Q Have you lived there all your life? A Yes sir.
Q Never lived anywhere else? A No sir.
Q You say your name is not on the roll of 1880? A No sir.

1880 authenticated roll of citizens of Cherokee Nation examined and name of applicant is not found thereon.

Q Your mother not on the 1880 roll either? A No sir, I don't reckon.
Q Why isn't she on? A I don't know.
Q Is she living? A Yes sir.
Q Was she a slave? A They say she was.

1880 authenticated roll ofci izens of the Cherokee Nation examined and pplicant's mother not identified thereon.

Q By what right do you claim to be a freedman; you are not on the roll, nor your mother is not on? A I am on the other rolls they have got here I reckon.

NANCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nancy Starr.
Q How old are you? A 50.
Q What is your post-office address? A Cottonwood.now.
Q Are you a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities?
A No sir.
Q Why? A Well, they just didn't recognize me.
Q Were you a slave during the war? A Yes sir.

Q What was your owner's name? A Walk Mayfield.
Q Where were you during the war between the United States and the Confederacy? A We was [illegible] out here in the United States during the war; we was in Texas until peace was made.
Q When did you come back from Texas? A We never come back until the next year after peace was made.
Q What year was that? A I don't know; next year after peace was made, in the winter.
Q You have been living here ever since? A Yes sir.
Q Is Sam Starr your son? A Yes sir.
Q Where was he born? A He was born down there in Sequoyah; all of my children.
Q He was born after you come back from Texas? A Yes.
Q Did you ever apply to the Cherokee authorities to be enrolled as a Freedman? A I never; my father did.
Q Did you draw what was known as the Strip money in 1896?
A Yes sir.
Q Cherokee Strip money, you drew that, did you A Wasn't that the Clifton roll?
Q Yes. A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Your father's name was Henry West.? A Yes sir, his name was Henry Mayfield, and when peace was made the colored people had to change their names, and he changed his name to Henry West; that was my father; he belonged to Walk Mayfield.
Q He come back from the war with Walk Mayfield? A Yes sir.
Q When were you married to Sam Starr? A Twenty years before he was killed.
Q Did he come back when you did? A I don't know nothing about it; he was here when I come; I don't know nothing about when he come.
Q You know what month of the year you come in, was it April?
A No, I come back here in the winter; snowey, sleety; it was cold.
Q You come back with your father, Henry West? A Yes sir.
Q You say your father did apply to the Cherokee Nation for citizenship? A Yes sir. He applied for citizenship.

Examined by Commissioner Needles:

Q You don't know what year it was you come back? A I come back here next year after the war, in the winter.
Q When was the war over; was you here in '65? A They said it was '66, but of course I didn't know one year from the other; they said it was '66; my old boss told my father it was; I hear them talking about it.

Examined by Cherokee Representative, W.W. Hastings:

Q How long did your boss live after the war? A I don't know.
Q About how many years? A I have no idea; long time.
Q Good number of years? A Yes sir.

applicant, SAMUEL H. STARR, recalled, and further examined by Commissioner Needles:

Q Sam, you always been living in the Cherokee Nation, all your life? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and name of applicant not found thereon.

Q Did you draw your Strip money? A Yes sir.

Kerns Clifton Pay roll of citizens of the Cherokee Nation examined, page 112 #2792 Sam Starr, Illinois District.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Q You married Sam's father after you came back? A Yes sir, I disremember how many years I was back here when I married him; I was married to him twenty years.
Q How long has Sam Starr been dead, your husband A Eight years.

1880 authenticated roll of citizens of the Cherokee Nation examined and name of applicants father not found thereon.

Q His name don't appear to be on the 1880 roll either? A (No reply

D.M. FAULKNER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A D.M.Faulkner.
Q What is your age? A About 59.
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your post-office address? A Hanson.
Q You know Nancy Starr, mother of Sam Starr? A Yes sir.
Q You know when she returned from Texas after the war? A Well, I couldn't say for certain; there was some of old Henry West's family returned in April, '67; she was alwayssaid to be Henry West's daughter.
Q Henry West was her father? A Yes sir.

Examined by Cherokee Representative, W.Hastings:

Q Your first wife was related to Walk Mayfield? A Yes sir, that was her uncle.
Q And she was teaching school in Sequoyah District in the spring of 1867? A Yes sir.
Q And Walk Mayfield, when he came back from Texas, returned to Sequoyah? A Yes sir.
Q I would like for you to explain why you know when Walk Mayfield came back here? A Henry West come in with Walk Mayfield in '67; he returned from Texas; and I went over there with,- well, she was Rachel L. Adair then, afterwards my wife; I went with her over ~~to~~ there just after they was there, and Henry West was there; just had come with Mayfield.

Examined by Commissioner Needles:

Q That Henry West was the father of Nancy Starr? A Yes sir, that's my understanding.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Witness: We came here in the winter just after the war; we stayed there in the cotton before we ever came up on the hill; we stayed in camps.

Q Did you come back with Henry West when he came back? A Yes sir, I came back with him.

Examined by Cherokee Representative, W. Hastings:

Q And you came back with Walk Mayfield? A Yes sir. Come back here next year after peace; I don't know what you call it.

Examined by Commissioner Needles:

Q What time in the year? A It was in the winter, it was freezing cold, and snowey.
Q In the spring? A We didn't come back in the spring; we come back in the winter.

HARRY STARR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Harry Starr.
Q How old are you? A I don't know. Somewhere about 49 or 50 I reckon.
Q What is your post-office? A Mt. Gibson.
Q Are you a Cherokee Freedman? A Yes sir.
Q Recognized as such by the Cherokee Nation? A Yes sir.
Q You know Samuel N. Starr? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his father's name? A Sam.
Q Was he a slave during the war? A Yes sir.
Q What was his owner's name? A Lila and Ellis, master named Ellis and mistress named Lila.
Q Did Sam Starr go out of the Cherokee Nation during the war? A Yes sir.
Q Where did he go to? A Down in the Chickasaw and Choct w nation.
Q Get any further than that? A No sir.
Q When did he come back here to the Cherokee Nation? A Came back the year Peace was made.
Q You his brother? A Yes sir.
Q Why wasn't he recognized by the Cherokee authorities as a Cherokee citizen? A Why, him and a fellow differedI believe in a election, and they refused to put him on the roll in the year '75, and after that time he never did go to enroll any more until he went before Wallace.
Q You say he never did go out of the Nation during the war? A I told you he did; he went down in the Chickasaw Territory.
Q He never went ouft of the Territory? A No sir.
Q Did you go with him down there? A I went with my owners down there.
Q Did you go with Sam? A Yes sir.
Q Did you come back with Sam? A Yes sir.
Q You and he come back together? A Yes sir.
Q Is your name on the roll of 1880? A It is; and on the roll of '75, too. It's on all of them I reckon; it ought to be there.
Q

Examined by Cherokee Representative, W. W. Hastings:

Q Who else came back with you, Harry? A All of those folks here, Joe and Sarah; Joe Johnson and Sarah Wilson and there.
Q Did any of the Cherokee Starrs come back with you? A No they didn't; we left them down there.
Q Which ones did you leave down there? A We left the ones I belonged to.
Q Who are they? A Lila.
Q Who else? A Lila.
Q Did you leave anybody else down there? A Left their children.
Q What was their names? A Wollie and George.
Q Any of them alive now? A No; they are all dead.
Q What part of the Cherokee Nation did you come back to? A Sequoyah District.

Q What part of Sequoyah? A Down there where I used to live.
Q Where is that? A Down there in that Dr. Bell place on the River.
Q That the first point you come to when you come from the south?
A No, come through Ft. Smith.
Q I mean in the Cherokee Nation? A Yes.
Q How long did you live in the bottom after you first came back?
A I lived there until I come on up here.
Q Well, how long was that? A I come, I don't know; it was been 25 or 6 or 7 years.

Examined by Commissioner Needles:

Q Was Sam Starr, father of Samuel H. Starr? A Yes sir.
Q What was the name of Samuel H. Starr's mother? A Nancy.
Q Were they married? A They lived together as man and wife.
Q How long, to your knowledge? A Lived together until he was killed, about eight years ago.
Q About when did they commence living together? A I couldn't tell you.
Q Was Sam H. born while they were living together? A Oh yes sir. All the children were born while they were living together.
Q They lived together as man and wife? A Yes sir.
Q Recognized by the community as man and wife? A Yes sir.
Q You know why Sam H. Starr's name is not on the roll of 1880?
A Why him and a fellow differed in a election as I said.
Q I thought that had reference to the old man? A His daddy; he went to enroll and they differed in election, and of course he never tried to enroll any more until he went before Wallace.
Q For himself or his children either? A No sir.

JOSEPH JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joseph Johnson.
Q What is your age? A About 50 or 51.
Q What is your post-office? A Muskogee.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir, on all rolls.
Q Do you know Sam H. Starr? A Yes sir.
Q How long have you known him? A When his youth and my youth up. We both belonged to the same man.
Q I mean this same here? A I have known him from child-hood.
Q You knew his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q Was that Sam Starr a slave? A Yes sir.
Q What was his owner's name? A Ellis Starr and Lila Starr; Lila was from the Johnson family.
Q You know where Sam H. Starr's father was during the war with the confederacy? A Yes sir.
Q Where? A In the Choctaw Nation, near Doe.
Q Were you with him? A Yes sir.
Q What relation are you now? A Well, said to be cousins by father.
Q When did old Sam Starr come back from the Choctaw Nation to the Cherokee Nation? A Well, we returned here shortly after '65; that's what the people told us.
Q Did Old Sam Starr live in the Cherokee Nation from until his death? A Yes sir.
Q You returned with him? A Yes sir.
Q You and Sam Starr, father of Sam H. Starr, returned then at the same time? A Yes sir.
Q Who was your owner? A Allen Johnson, father of Lila Starr.

Examined by Cherokee Representative, W.W.Hastings:

Q You come back with them, did you? A Yes sir.
Q To what point did they return? A We come to Ft. Smith first, and from there over to the old Vann place; now the Bell place.
Q Who was living on that place when you first come back? ANo one at that time.
Q Was there any Cherokees in that community at all? A The only family we struck that we knew there was the King family.
Q None of them living now? A I don't know.
Q None that you know of? A None that I know of.
Q What are the first Cherokees you remember seeing there? A An old Indian named Crying Bear.
Q He is not living? A I couldn't tell you.
Q How long did you stay there? We staid there ten years before I left there.
Q What other Cherokees besides these you have mentioned came in there? A These I have mentioned were there at the time; I don't remember any others.
Q Did any Cherokees come back with you from the south? A No sir, we hoofed it with our bundles on our backs; there was no wagons or horses; nothing but a dog, and I packed a couple of chickens under my arm from Blue.

Examined by Commissioner Needles:

Q You first came to Ft. Smith? A Yes sir.
Q How long did you stay in Ft. Smith? A We staid there one week, and then come over.

DENNIS BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Dennis Bean.
Q What is your age? A About 42 I guess.
Q What is your post-office address A Gold Dow.
Q Are you a Cherokee Freedman? A Yes sir.
Q Recognized by the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q You know Sam H. Starr, the applicant? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his name? A His name was Sam Starr.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Lila Starr.
Q You know where Sam Starr, father of the applicant, was during the war between the United States and the Confederacy? A Well, I don't know as I do; I know where he was in 1866.
Q Well, where was he in 1866? A He was down on the line to Ft. Smith, on this side of the river.
Q Was that the first time you ever saw him? A Yes sir.
Q First time you knew Old Sam Starr was in 1866? A Yes sir.
Q You didn't know him before that? A I might have saw him.
Q Did he live in the Cherokee Nation until his death from that time?
A Yes sir.

ALBERT JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Albert Johnson.
Q How old are you? A 43
Q What is your post-office address? A Bunch.
Q Are you a Cherokee Freedman? A Yes sir, I was a slave freedman
Q Is your name on the roll of 1880? A Yes sir.

Q You know Sam H. Starr, the applicant here? A Yes sir, I know him.
Q How long have you known him? A I have been knowing him ever since he was born.
Q Did you know his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q You know where the applicant's father, Sam Starr, was during the war between the United States and the Confederacy? A He was down in the Choctaw Nation, same place , is all I know.
Q Was you with him? A No sir, I wasn't right with him then.
Q You know when he returned to the Cherokee Nation? A Yes sir, he came then we all did.
Q When was that? A In '65.
Q You come with him? A Yes sir, we all came together; well, not exactly together; he was just about a week ahead of us; me and my mother and two sisters.
Q You found him when you got here? A Yes sir, he was on Poteau.
Q Over on Cherokee side? A No sir, over on Poteau on the Ft. Smith side; well, I guess it must have been the Choctaw side; I don't know where exactly.
Q When did he go on the Cherokee side, do you remember that? A He was over there often and on all the time, working at Mrs Stonerows.

APPLICANT, Samuel T. Starr, re-called, and further examined by Commissioner Meadles, stated:

Q Is your wife a citizen? A Yes sir.
Q Have you got any proof of marriage? A Yes sir.
Q Have you a certificate of marriage? A Yes sir.
Q Who married you? A Elder Turner.
Q Is he living? A Yes sir.
Q You can get a certificate from him, and file it with us then.
Q What was her name? A Sadie Hutchins.

Commissioner Meadles: The name of Samuel T. Starr is not found upon the authenticated roll of 1880 nor the census roll of 1896; his name is found upon the Kerns-Clifton roll; he applies to be enrolled as a Cherokee freedman; he says that he was married to one Sadie Hutchins, a non-citizen, and by said marriage he has three children, Sallie, Lillie and Leona; he claims that he is a son of Nancy and Samuel Starr; the name of neither his father Samuel, nor his mother Nancy are found upon the authenticated roll of 1880; he makes satisfactory proof as to the marriage of his father Samuel Starr, to his mother, Nancy, and he claims citizenship through the right of his father, Samuel. Satisfactory testimony is given as to the citizenship of his father, and he is duly identified as the son of Samuel Starr by his wife Nancy; now comes the Cherokee Nation and protests against the enrollment of Samuel T. Starr and his children, on legal grounds, but do not deny the fact that satisfactory proof has been made as to the said Samuel T. Starr being the son of Samuel Starr, or that Samuel Starr returned to the Cherokee Nation within the time specified by law, or that said Samuel Starr was a slave of a Cherokee citizen; Said Samuel T. Starr is duly identified; the Commission is satisfied as to his rights to enrollment as a Cherokee freedman, but because of the protest of the Cherokee Nation, purely upon legal grounds

Samuel H. Starr et al 8

as to this case, the final judgment as to the enrollment of said Samuel H. Starr and his three children, Sallie, Lillie and Leona, will be suspended, and their names will be placed upon a doubtful card; and it will be necessary for said Samuel H. Starr to file with this Commission satisfactory proof of birth as to his three children, their names not appearing upon any of the rolls, and also certificate of marriage as to his marriage between himself and his present wife, Sadie Hutchings.

W.D.Green, being first fully sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W D Green

Subscribed and sworn to before me this April 17, 1901.

Commissioner.

F/ 1 5

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 16 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901

Post Office Cottonwood

District Sequoyah.

1. Name Samuel H Starr Age 26

Citizenship

Owner's name

Year K. C. Page 112 No. 2792 District Ill

Parents:

Father Sam Starr Citizenship Col D

Mother Nancy Starr Citizenship Col

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

		Year	Page	No.	Dist.
2	Sallie	Year	Page	No.	Dist.
3	Lillie	Year	Page	No.	Dist.
4	Leona	Year	Page	No.	Dist.
6.		Year	Page	No.	Dist.
7.		Year	Page	No.	Dist.
8.		Year	Page	No.	Dist.
9.		Year	Page	No.	Dist.
10.		Year	Page	No.	Dist.
11.		Year	Page	No.	Dist.
12.		Year	Page	No.	Dist.

5
8.
15 cents

Application made by No (1) Stenographer Green M L

(1) on K C Roll Sam Starr

(2) Affidavit of Birth to be filed

(3) " " " " "

(4) " " " " "

(Also Certificate of marriage of Applicant to Sadie Hutchings
mother of the children to be filed.)

Cherokee Freedmen

Card No. 575

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation

Approved [illegible] 1901

[illegible]

Commissioner

Department letter sent [illegible]

[illegible]

Final letter sent [illegible]

Filed [illegible]

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Dallas Starr (Here insert name of child.), born on the 11" day of May, 1916

Name of Father: Samuel H. Starr a citizen of the Cherokee Nation.

Name of Mother: Sadie Starr a citizen of the U. S. Nation.

Postoffice Cattlesville I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT

I, Sadie Starr, on oath state that I am 21 years of age and a citizen ~~by~~ U. S., of the Nation;

that I am the lawful wife of Samuel H. Starr, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on 11" day of May, 1916; that said child has been named Dallas Starr, and is now living.

Sadie Starr

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5" day of June, 1916.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, [illegible], a [illegible], on oath state that I attended on Mrs. Sadie Starr, wife of Samuel H. Starr on the 11 day of May, 1916; that there was born to her on said date a (Male or Female.) child; that said child is now living and is said to have been named Dallas Starr

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 5 day of June, 1916

Notary Public.

Cherokee Freedman

2384 199 *C.85.

IN RE

Application for Enrollment of

~~MINOR~~ CHILD

~~Act of Congress Approved April 26, 1906.~~

Lillie Starr

as a citizen of

Cherokee Nation.

Approved July 7 1901

W. T. Hall

Commissioner.

Defendants entered an interest
in common in the Fun
Livestock Co.
Filed July 7 1910
Wm. Dick
Clerk

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Willie Starr, born on the 15 day of Oct 1898.
[Here insert name of child]

Name of Father: Samuel N. Starr a citizen of the Cherokee Nation.

Name of Mother: Dadie Starr a citizen of the U.S. Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Eastern Ind. Ter.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Eastern District.

I, Dadie Starr, on oath state that I am 21 years of age and a citizen by U.S., of the ..... Nation;

that I am the lawful wife of Samuel N. Starr, who is a citizen, by adoption, of the Cherokee Nation; that a Male child was
[Male or Female]

born to me on 15 day of Oct 1898; that said child has been named

Willie Starr, and was ~~living March 4, 1906.~~

Dadie Starr

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2 day of ..... 1906.

N. Bozeman

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Eastern District.

I, Emma Reed, a Mid Wife, on oath state that I attended on Mrs. Dadie Starr, wife of U.S. Starr on the 15 day of Oct 1898; that there was born to her on said date a Male child
[Male or Female]

child; that said child ~~was living March 4, 1906,~~ and is said to have been named Willie Starr

her
Emma X Reed
mark

WITNESSES TO MARK

[Must be Two Witnesses]

Subscribed and sworn to before me this ..... day of 1906

Notary Public

Cherokee Freedman.

Z 1384 199 D.15

IN RE

Application for Enrollment of

~~Infant~~

~~MINOR~~ **CHILD**

~~Act of Congress Approved April 26, 1906.~~

Dora Starr

as a citizen of

Cherokee **Nation.**

Approved June 1 **1901**

E. B. Needles

Commissioner.

[illegible]

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Donna Starr [Here insert name of child], born on the 1st day of January 1906.

Name of Father: Samuel H. Starr a citizen of the Cherokee Nation.

Name of Mother: Sadie Starr a citizen of the U.S. Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice Vinita, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Sadie Starr, on oath state that I am 40 years of age and a citizen by ~~blood~~, of the ..... Nation;

that I am the lawful wife of Samuel H. Starr, who is a citizen, by adoption, of the Cherokee Nation; that a female [Male or Female] child was

born to me on the 1st day of January, 1906; that said child has been named

Donna Starr and was living March 4, 1906.

Sadie Starr

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of March 1906.

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, Northern District.

I, Julia A. Lard, a Midwife, on oath state that I

attended on Mrs. Sadie Starr, wife of Samuel H. Starr

on the 1st day of January, 1906; that there was born to her on said date a female [Male or Female]

child; that said child ~~was living March 4, 1906~~, and is said to have been named Donna Starr

Julia A. Lard

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 2nd day of January 1906.

Notary Public

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 10 1902
CHAIRMAN

Cher. F. D. 88.

Certificate of Marriage.

United States of America
Northern District of the
Indian Territory,

I N. T. Turner a Minister of the Gospell, do hereby certify that on the 22" day of December 1893, I did, duly and according to law solemnize the rights and publish the bans of Matrimony between Samuel H. Starr and Sadie Hudgins at the residence of Turner Whitmire in Sequoyah District Cherokee Nation. The said Marriage Ceremony being in the presence of R. W. Warren and George Smith who now reside about six miles east of Muldrow Ind. Ter.

x N. T. Turner

(SEAL)
Sworn to and subscribed before me this 21 day of July 1902.

Jesse W. Watts.
Notary Public.

Cherokee Nation.

Dec. 22, 1893. I. T.

I certify that on the above date, I did solemnize the right of matrimony between Samuel H. Starr, age 19 and Sadie Hudgins age 18, at the home of the bride.

Witness--D. Hudgins.
Amanda Hudgins.
Geoge Smith.
R. Warren.
Done according to the law of the Cherokee Nation.

Sighs, Rev. N. T. Turner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, Jan. 31, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. R. Breckinridge.
Commissioner.

COPY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Nancy Starr et al. as Cherokee Freedmen, consolidating the applications of

Nancy Starr,.....	Cherokee	Freedmen	D	998
Samuel H. Starr, et al.,.....	"	"	D	85
Sarah Barnes, et al.,.....	"	"	D	86
Nellie McLain, et al.,.....	"	"	D	88
Henry Starr, et al.,.....	"	"	D	89
Charles Mayfield, et al.,.....	"	"	D	1001

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Nancy Starr for herself; by Samuel H. Starr for himself and his three minor children, Sallie, Lillie and Leona Starr; by Sarah Barnes for herself and her three minor children, Jennie, Samuel and Nola Barnes, and subsequent to this application, a birth affidavit was filed for her child, Robert Barnes, and is made a part of the record herein; by Nellie McLain for herself, her three minor children, Leo, Maxie and Cassie M. McLain, her sister, Annie Starr, her two brothers, George and Turner Starr, her niece, Frances Wilson, and her two nephews, William B. and Ernest Wilson; by Henry Starr for himself and his two minor children, Henrietta and Jessie Starr, and subsequent to this application, a birth affidavit was filed for his child, Harry Starr, and the same is made a part of the record herein; by Charles Mayfield for himself and his five minor children, Emanuel, Beulah, Royal, McKinley and Nathaniel Mayfield, and subsequent to this application, a birth affidavit was filed for the applicant's child, Bennie Mayfield, and the same is made a part of the record herein. Copies of the testimony taken at various times in the matter of the application of Houston West, are made a part of the record herein.

The evidence shows that the said Nancy Starr was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867. All the other applicants herein are the descendants of said Nancy Starr and have no rights as Cherokee Freedmen, except such as they may have acquired through her. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nancy Starr, Samuel H. Starr, Sallie Starr, Lillie Starr, Leona Starr, Sarah Barnes, Jennie Barnes, Samuel Barnes, Nola Barnes, Robert Barnes, Nellie McLain, Leo McLain, Maxie McLain, Cassie M. McLain, Annie Starr, George Starr, Turner Starr, Frances Wilson, William B. Wilson, Ernest Wilson, Henry Starr, Henrietta Starr, Jessie Starr, Harry Starr, Charles Mayfield, Emanuel Mayfield, Beulah Mayfield, Royal Mayfield, McKinley Mayfield, Nathaniel Mayfield and Bennie Mayfield as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

J. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,

this Jul 1 - 1903.

FILED
MAY 17 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

--**ooo**--

In the matter of the applications for the enrollment of Nancy Starr et al as Cherokee Freedmen, consolidating cases Nos. C.F.D.85-6-8-9; 998, and 1087.	BRIEF OF THE CHEROKEE NATION.

The only question involved in this case is the one of return of the principal applicants in this case, and the Commission to the Five Civilized Tribes on July 1st 1903 rendered a decision in the case finding from the evidence that the principal applicants did not return to the Cherokee Nation within the time prescribed by the treaty of 1866, and for that reason are not entitled to be enrolled as citizens of the Cherokee Nation.

The Hon. Commissioner of Indian Affairs reporting upon this case Feb. 6th 1904, Land, 44290- 1903, is inclined to hold that the applicants are entitled to be enrolled as citizens of the Cherokee Nation for the reason that the evidence shows that the principal applicants returned to the Cherokee Nation within the time prescribed by the treaty; from an examination of the report of the Hon. Commissioner of Indian Affairs, it is quite evident that all of the evidence introduced in the case was not examined and reviewed. It is true that Nancy Starr testifying in her own behalf and in behalf of the other applicants in this case, states that she was a slave of Walk Mayfield, and she returned to the Cherokee Nation with Walk Mayfield along with her father Henry West; that she came the next year after the War, but when pressed for the year

in which she returned she was unable to give any positive statement with reference to it,in answer to this question; "When did you come back"? she replied "A. I came back next year after peace." " What year was that?" A. " I dont know what year ,after I came they called it 66, I came back here next year after peace in the winter. But when questioned further on she does not remember what route she came; she dont know whether she came back through Arkansas or not and she is so ignorant of locality that she does not even know in what district she is now living,she and all the witnesses for her testified that she came back with Walk Mayfield,her former owner,after the war. Now it must be remembered that all of these colored people have the greatest incentive to testify that they returned within the time prescribed by the treaty, and for the last 35 years,the year 1866 has been drilled into them,and day in and day out that year has been pounded into their minds,and they are fully aware that they must testify that they came within that year,and in order that they might be enrolled and become citizens of the Cherokee Nation and thereby share in the division of the lands and moneys as Cherokee citizens,but these applicants with this incentive before them evade the direct question and state that they wont be positive as to the exact time ,but they state that they believe or that they think or that they were told that it was in 1866. The other two witnesses,Harris Forman and Dennis Bean both from their ages given were mere boys in 1866,one now being 48 and the other 42 years of age and neither of them gave direct or pointed testimony as to the time these applicants returned and both of them evade direct answers by saying that they believe that they returned in the fall of 1866,and another witness Albert Johnson who was only 8 years of age in 66,testifies to the same fact. It is well known that these colored persons were ignorant as to dates and they could give no reason

why they fix the time at that year,but 35 years after attempt to testify as to their independent recollection of this important event; the Commission to the Five Civilized Tribes are men of broad experience,they are men of great capibilities, they are men of the highest integrity and they are men who have traveled all over the Cherokee Country,and the witnesses on both sides are brought before them and they diligently and thoroughly enquire into and cross -examine most minutely all witnessesx in all cases brought before the Commission. The members of the Commission are without bias and have no prejudice for or against the applicants or the Cherokee Nation and it is their duty as far as possible to ascertain all of the facts upon which an honest decision should be written. It is true when the first preliminary hearing was had upon the statements of the applicants themselves,taking their statements to be true, the Commission in the field had first lent a favorable ear to the testimony which they gave,but as their experience lengthened,and they saw how unreliable these freedmen witnesses were they necessarily became more cautious and held in abeyance final judgment until all of the testimony on both sides was submitted in each case . If this class of testimony is to be believed unreservedly,every freedman applicant in the Cherokee Nation would be admitted,because it is a rare exception ,indeed, that a freedman applicant does not testify that he came back to the Cherokee Nation in the fall of 66,and numerous witnesses are usually introduced to testify not evasively and indirectly,as these witnesses did, but pointedly to the fact that they returned in 1866. The Commission here fully understands that a freedman association was formed; that nearly all of the colored people in the country joined the same,that they were secretly sworn to testify for colored applicants,and strictly forbidden to testify against them,and

in the face of these conditions it is in a number of cases almost impossible now more than 35 years after the close of the war to secure witnesses to testify for the Cherokee Nation as to the exact date of the return of certain colored applicants. Again we think that the Hon. Commissioner of Indian Affairs, was deceived by the fact that the name of Mary Whitmire, the sister of the principal applicant, appears upon the 1880 authenticated roll, but if the 1880 roll was thoroughly understood there should be no confussion about it, a great number of names appeared upon that roll that were not entitled to be thereon, some of whom we might mention, never claimed a Cherokee citizenship; people who were not born in the Cherokee Nation, did not belong here before the war, and who do not claim to have come back within the time prescribed by the treaty, but intermarried with Cherokee freedmen who were entitled, and in that way became enrolled as a member of the family, which was a mistake of the census takers in 1880, who were in most instances ordinary farmers, and the mistakes were over looked by the National Council when the same were authenticated. Under the law it is now held that this roll cannot now be corrected, that the Cherokee Nation is bound by these mistakes. Let me cite two notable instances Henry Bean a colored man whos post office is Tahlequah, I.T., was born in Mo., never saw the Cherokee Nation prior to 1874, came here at that time and the first time married a freedmen citizen, and by mistake was enrolled in 1880, and didnt himself know it until he appeared before the Commission at Ft. Gibson, in 1901 with the other members of his family, when he was first advised that his name appeared upon the roll, and he was requested by the Commission to make application for himself. Clearly his enrollment in 1880 was an error, and while the Cherokee Nation may be now estoped under the law from denying his right to enrollment, yet his erroneous enrollment could not and should not

be urged as a reason for erroneously enrolling other,brothers and sisters of his,who came here when he did. Another case is that of Rebecca Ross who was a slave of a citizen of Arkansas,prior to the war,came here the first time in 1867,married into a freedman family and enrolling the rest of the family here his name was erroneously encluded with the list and it like-wise was over looked by members of Council,and said roll was authenticated;numerous instances could be cited of persons who returned to late whose names were placed upon said roll, but the Cherokee Nation was estopped by an act of congress from going into this case. The same was true of Mary Whitmire, she came too late,married into a freedman family,was erroneously enrolled,and while the Cherokee Nation cannot prevent her enrollment now,still the Commission held that that error should not enure to the Benefit of others not now entitled to enrollment as citizens of the Cherokee Nation. And this calls to mind the fact that a vast majority of these "too late" applicants are now inter-married with freedmen citizens enrolled on straight cardswhich of itself prevents the Cherokee Nation from getting evidence from among the colored people in the country to testify in these cases,because they would in fact be testifying against some of their relatives or descendants. There is but one question involved in this case and that is did these principal applicants return to the Cherokee Nation prior to Feb.11th 1867; they all came with Walk Mayfield and hence the testimony of the Cherokee Nation was direct, as to the time Walk Mayfield returned; W.T.Harnage a close relative of Walk Mayfield was 53 years of age when he testified,lived in Sequoyah District,only a short distance from the point to which Mayfield returned,and swore positively that he lived there until after Christmass,1866, when he removed up to Flint District,which was about the first of January of 67,and up to that time his uncle ,Walk Mayfield had not returned from Texas.

He further states that he came back to that neighborhood about the middle of April 1867, when Mayfield had just returned. Now Mayfield was his uncle and it is reasonable to suppose that the knowledge of his return soon came to him there in the neighborhood, and while he does not attempt to give the exact date of his return, yet his testimony is much more direct and positive than any of the witnesses for the applicants and they flatly contradict the testimony of the applicants to the fact that Walk Mayfield did not certainly return in the year 1866. Eaikle Hannage a cousin of Walk Mayfield testifies that he came back to Sequoyah District, near the same place where Walk Mayfield afterwards returned, and that he continued to reside in the District from December 18th, 1866 until after April 1867; and when asked this question" Q. Are you positive Mayfield didn't come back to the Cherokee Nation until after January, 1867?" he answered " I am positive of it." A little further on he testifies that he came back in the spring of 1867. Now these two witnesses are men of the most integrity and intelligence. The next was D.M.Faulkner. This man is now assistant Chief of the Cherokee Nation elected since the day he gave his testimony has been a delegate to Washington City and has been a member of the Cherokee Senate and a great number of years, a man of great force of character and highest intelligence, he was married to Rachel E.Adair, about the middle of April 1867, and of course he can fix this date definately, he testifies that about the first week in April his wife was the niece of Walk Mayfield, just heard of her uncles return and that they went down to see him that the family had just returned from Texas. Now it is unreasonable to suppose that Walk Mayfield could have been in the same neighborhood where his niece waswho was eager to meet and greet her relatives, without her hearing it; not only is it shown by the fair preponderance of the testimony, but that it is conclusively shown from this evidence that these applicants did not return in the time prescribed by the treaty.

Evidently the attention of the Hon.Secretary of Indian Affairs was not called to the judgment offered in evidence on May23rd 1902 by the Cherokee Nation in these cases, these judgments show that Henry West the father and grand-father through whom these applicants claim appealed to the Supreme Court of the Cherokee Nation and was rejected on June 17th, 1871, at that time hundreds of witnesses were alive who could testify as to the exact date of the return of Walk Mayfield, but not content with this, this same Henry West appealed to the Chambers Court created under act of December 7th 1877, and at that time this same Walker Mayfield was alive and appeared before the Commission and gave testimony in this case and the decision of the Chambers court filed in this case and made a part of the record shows the following

"

Henry West) Claim of Citizens. . before the
vs) Commission on Citizenship, with
Cherokee Nation) [illegible]

This case, coming under the [illegible], of which there are five [illegible] under act of Dec.1877, claiming citizenship under the 9th Article of the treaty of 1866, in regard to persons of African descent. [illegible] alleges that he was a slave [illegible] and both resident were at the commencement of the Rebellion. Claimant was afterward sent to Texas, by his owner, but returned in time, that is, within six months after the ratification of the treaty of 1866.

The facts above were proven satisfactorily, except as to the time of the return to the Nation. This is the turning point in Henry West's case. The commission finds that the only testimony on that point, is the statement of Walter Mayfield,

who says that he and claimant returned to the Nation on the 4th day of April, 1867. This is decisive of the case. Claimant came too late. The Commission are confined by the Act establishing the Clims to the time mentioned in the amendments to the Cherokee Constitution, so far as to the exact time of the ratification of said treaty is concerned, which places it, on the 19th day of July 1866; and hence claimants return in April 1867, is more than six months after the time specified in the said 9th Article of said treaty.

Claimant, therefore, under the most favorable view we can take of his claim, does not derive or acquire any rights in the Cherokee Nation under said treaty in the opinion of the Commission, and consequently they decide that said claimant is an Intruder, or the public D in of the Cherokee Nation.

John [illegible],
President Commission,

D.I.Nicholson,
Clerk Comm.

[illegible] Bowler,
[illegible] Bowlin, } Comrs. "

It will be noticed in this case that the Commissioners [illegible] that the return of the claimant Henry Neal to the Cherokee Nation [illegible] was the turning point in the case. The Commission on this point [illegible] finds that the only testimony on that point is the statement of Walk[illegible] who says that the said claimant (Henry Neal) returned to the Nation on the 4th day of April 1867. This is decisive of the case. The Commission are too late. [illegible] from the date of [illegible] entitled to it. As to the [illegible] claimants, that is, [illegible] claimed to have returned from the State of Texas, on the [illegible] of the case connected with the time of his return could be easily proven. It will be noted that these claimants were not introduced until July, 1877, therefore the date filed by that judgment was certainly not known to A.J.Harnage, Ezekiel Harnage and D.W.Faulkner who testified nine months prior thereto on September 4th, 1876. But it is not necessary to note particularly they pointed to the date of Walk[illegible] return as every single, solitary one of them have it as their judgment from their recollection, that the official return [illegible] the last of April or the first part of [illegible] and definately [illegible] fixed it. [illegible] Affairs [illegible] and the attention was not called to the [illegible] crimes [illegible] on the records [illegible] Nation in time to justify [illegible] Commissioner [illegible] review [illegible] 1867, [illegible]

Respectfully submitted.

E. B. Bell

J. S. Dawnport

W. W. Hastings

Attorneys for the Cherokee Nation.

FILED
JUN 1 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR.
BEFORE THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES.

M O T I O N .

In the matter of the application of Samuel H. Starr and minor children, Sally Starr, Lilly Starr and Leona Starr, for enrollment as Cherokee Freedmen:

Now come the applicants, by their attorneys, Cravens, Rutherford & Cravens, and move the Commission to the Five Civilized Tribes to extend the time for filing brief and answer to brief of attorneys for the Cherokee Nation to the 15th of June, 1904, for the reason that they have not had time since the reception of the copy of the brief of the attorneys for the Cherokee Nation to prepare answer to the same, on account of the absence of our Mr. Cravens senior, who has had entire charge of this matter from its incipiency.

That they do not make this motion for delay, but that justice may be done.

Cravens, Rutherford & Cravens,
Attorneys for applicants.

Dated this 1st day of June, 1904.

709

Cherokee Freedmen, -80.

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of [illegible] Starr et al., for enrollment as Cherokee freedmen.

O R D E R.

The Commission's decision in this case rendered, among others, these applicants, was forwarded to the Department for review on July 11, 1903; thereafter and on April [illegible], 1904, in accordance with Department instructions of April 4, 1904, the attorneys for the Cherokee Nation was advised that he would be allowed thirty days from date of said notice in which to file with the Commission for transmission to the Secretary of the Interior, any argument he might desire, a copy of which would be required to be served upon the principal applicant in this case, and upon the said date the principal applicant and his attorneys were advised that he would be allowed ten additional days within which to file with the Commission for transmission to the Secretary, a reply to said argument.

The Cherokee Nation has filed its said argument within the time provided, and to-day comes the attorneys for the applicants herein, and [illegible] et al., and file motion to extend the time for filing their reply to said argument of the Cherokee Nation until June 15, 1904.

Sufficient cause having been shown in said motion for a continuance, it is considered that said motion should be granted, and it is accordingly so ordered.

Copies of this order will be furnished and made a part of the record in this case.

[signature] Secretary.

Washington, D. C.,
June 3, 1904.

F1384

IN RE
THE DEATH OF
Lillie Starr
a citizen of the
Cherokee Nation.

Approved MAR 5 190

Commissioner.

MAR

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Lillie Starr
(Here insert name of deceased.)

a citizen of the Cherokee Nation, who formerly resided at or near
Cattonwood, Ind. Ter., and died on the 27" day of
(Here insert name of postoffice)
September, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern DISTRICT.

I, Samuel H Starr, on oath state that I am 30 years of age and a citizen, by adoption, of the Cherokee Nation; that my postoffice address is Cattonwood, Ind. Ter.; that I am
(Here insert name of postoffice.)

The father of Lillie Starr,
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased)

who was a citizen, by adoption, of the Cherokee Nation;
(Here insert name of deceased.)

and that said Lillie Starr died on the 27" day of September, 1902. Samuel H Starr

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 4 day of March, 1905.

J Hesson
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, DISTRICT.

I, , on oath state that I am
years of age, and a citizen by , of the Nation;
that my postoffice address is , Ind. Ter.;
(Here insert name of postoffice.)
that I was personally acquainted with
(Here insert name of deceased.)
who was a citizen, by , of the Nation;
and that said died on the day of
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two Witnesses.)

Subscribed and sworn to before me this day of 190

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Samuel H. Starr,
Cottonwood, I.T.

Cherokee F-D-85
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee 7085

Muskogee, Indian Territory, July 8, 1902.

Mr. Samuel M. Starr,

Cottonwood, Indian Territory.

Dear Sir:

When you made application for the enrollment of yourself and three minor children as Cherokee Freedmen, you were requested to procure a certificate of your marriage to Sadie Hutchings, and to file the same with this Commission.

Our records fail to show that you have yet complied with this request, and you are now notified that evidence of your marriage to your wife Sadie must be furnished to the Commission on or before July 23, 1902.

Yours truly,

Acting Chairman.

Register

COPY.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D.C. July 9, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Mary Starr for the enrollment of herself; of Daniel W. Starr for the enrollment of himself and his three minor children, Willie, Tillie and Leona Starr; of Sarah Parnes for the enrollment of herself and her three minor children Jennie, Samuel, and Nola Parnes; of Nellie McLain for the enrollment of herself and her three minor children, Leo, Jessie and Cassie B. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William H., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Samuel, Wesley, Boyal Hensley and Nathaniel Mayfield. It further appears that Robert Parnes, Henry Starr and Annie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee freedmen except such as they may have acquired through her; that none of the names of the applicants herein are found on the 1867 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved January 28, 1896 (29 Stats., 396).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the enslaved ancestor through whom the applicants claim their right to enrollment, testified that she is about 6[illegible] years old; that her name is on the Turner-Grayson and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Polk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Tilla Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testified that she was born in Texas; that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Polk Mayfield at the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview, that they came back the next year after the war "way in the fall like".

The witness testifies that she was slaves on her father's place; that she and her father belonged to Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Watson Johnson, Uncle Tom Langsdale and Billy Sanders and his wife. That [illegible] her father and mother and [illegible], and that she came to the Cherokee Nation the same time as [illegible]; and that she is older than her sister.

[illegible] the following order issued by the Commission on September [illegible], 1901, in the matter of the application of Nancy Starr et al:

"It appearing that proper and satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 16th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Proctor and [illegible]. Faulkner, taken in the matter of the application of Houston Test for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

[illegible] the evidence submitted in the matter of the application of Houston Test for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston Test testifies that he is 47 years old; that he was a slave and belonged to Polk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1865; and that when asked what time in 1865, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

On cross examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellview, Texas; that his father belonged to Wilk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Wilk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitmire, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitemore is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1901, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Mannage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

In other words, it is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee bottom up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commission then makes inquiry as to when the witness started from Texas, and he replies "In December, in November '66". The witness further testifies that Walk Mayfield brought his old slaves back with him; that he knew Houston West and saw them together at that time; that Houston West was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Hermage, who says he is 55 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 15th day of December, 1865, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Hermage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lived within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 15, 1866. And, when asked "Now what time did Walk Mayfield come to the Cherokee Nation"? Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brough his slaves with him; that he knows Houston West; and that he, the witness, continued to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and that he was in Mayfield's family. The witness further testifies that he remembers that Mayfield did not come back to the Cherokee Nation until after January 1867;

that he fixes that fact in the mind in connection with going to work to make a crop.

The next and last witness in behalf of the nation is J. V. Walker, who says he is about 60 years old, is a Cherokee by blood; that he (wife) claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in June and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news come that he uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in

The testimony further shows that the witness had to go four

miles, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 27th of April when they were married; and that just a few days before that was when he and this young la dy went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought the slaves but that the old man was all he saw.

Counsel for the nation then asked this witness the following question: "Was they unloaded the wagons, when you got there?" Answer " There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Harnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

show that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Harnage, does not know when Walk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason by he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, F. . Falkner, testifies that Mayfield returned about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Adair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Falkner and his intermed wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Falkner testifies that Mayfields claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for even though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Falkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

Now, adverting to the testimony of Nancy Starr, I consider her testimony direct and to the point, and it appears from her replies that she is more or less intelligent and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testifies that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the application of Samuel P. Starr for the enrollment of himself and his three minor children, when being cross examined by the representative of the Cherokee Nation, as follows:

"You say that part of the year you came in, was it April?" And answer, "No, I came back here in the winter, snowy, sleety, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Wayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the 1880 roll, and has been enrolled as a Cherokee Freedman citizen of said nation, and the testimony of all the witnesses in this case shows that this sister and her said brother, Houston West returned at one and the same time, and that in fact Walker Mayfield and all of his slaves returned together.

From the testimony submitted it plainly appears that while the Walker Mayfield slaves were in law free, yet they evidently remained as a part and parcel of the family and did work for him, or with him, on the Mayfield farm in the State of Texas and raised a crop there during the summer of 1866. It is quite evident from and from all of the testimony, and the facts, that his slaves at that time had no domicile in the State of Texas, that like himself they were there temporarily, and in view of the further fact that his said relatives, W. T. Vernon and Mrs. Sarah Talmage returned to the Cherokee Nation late in the fall of 1866, I can not understand why he remained in Texas so long as to not be able to reach the Cherokee Nation until the first week in April 1867. Being a farmer it would be but natural that he would want to remove to the nation in time to look after a crop for the year 1867, and I am fully satisfied that the claim of these applicants that the said Walker Mayfield did return in the late fall or early winter of 1866-7 is correct; and that he did return to said nation taking with him said slaves prior to February 11, 1867. There is not a particle of proof that he did not do so, and while it is impossible to fix the exact date of the return of these parties I consider that a decision must necessarily be given upon such facts

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants, they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen, I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tonner
Acting Commissioner.

W.C.P.(P)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 10658-1904. April 4, 1904.

I.T.D. 1168-1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freedman case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

signed. Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee F. D-88

Muskogee, Indian Territory, July 11, 1903.

Samuel H. Starr,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Sallie, Lillie and Leona Starr, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. 70 -D
Register.

Cherokee F.D-298-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Nancy Starr et al., rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McLain, Annie, George and Turner Starr, Frances, William P. and Ernest Wilson, Sarah, Jennie, Samuel, Nola and Robert Barnes, Samuel H., Sallie, Lillie, Leona, Henry, Henriotta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Boyal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-75

COPY.

Cherokee F.D-993
83-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McClain, Annie, George and Turner Starr, Frances, William H. and Ernest Wilson, Sarah, Jennie, Samuel, Nola and Robert Byrnes, Samuel H., Callie, Willie, Leona, Henry, Henrietta, Jessie and Perry Starr, Charles, Manuel, Moulah, Royal, McKinley, Nathaniel and Bennie Mayfield, as Cherokee freedmen.

Respectfully,

[illegible]

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76

Cherokee Freedmen
D 86

Muskogee, Indian Territory, April 18, 1904.

Samuel H. Starr,

Cottonwood, Indian territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 86-6-8-9, 998
& 1001.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 86-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Cherokee Freedmen
D-88.

Muskogee, Indian Territory, May 20, 1904.

William M. Cravens,
Attorney for Samuel H. Starr et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the brief of the Cherokee Nation in the case of Nancy Starr et al., Cherokee Freedmen cases numbers D-85, D-86, D-88, D-89, D-998 and D-1001.

You are advised that you will be allowed ten days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, a reply to this brief.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. D-61

Cherokee Freedmen
D-86.

Muskogee, Indian Territory, May 20, 1904.

Sarah Barnes,

Foreman, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the brief of the Cherokee Nation in Cherokee freedmen cases numbers D-85, D 86, D 89, D 998 and D 1001.

You are advised that you will be allowed ten days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, a reply to this brief.

Respectfully,

T. B. Needles

Enc. D-82

Commissioner in Charge.

COPY

Cherokee Freedmen
D-88.

Muskogee, Indian Territory, May 20, 1904.

Nellie McLain,

Cottonwood, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the brief of the Cherokee Nation in Cherokee freedmen cases numbers D-85, D-86, D-89, D-998 and D-1001.

You are advised that you will be allowed ten days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, a reply to this brief.

Respectfully,

Enc. D-63.

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-89.

Muskogee, Indian Territory, May 20, 1904.

Henry Starr,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the brief of the Cherokee Nation in Cherokee freedmen cases numbers D-85, D-86, D-89, D-998 and D-1001.

You are advised that you will be allowed ten days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, a reply to this brief.

Respectfully,

Commissioner in Charge.

Enc. D-64.

COPY.

Cherokee Freedmen
D-1001.

Muskogee, Indian Territory, May 20, 1904.

Charles Mayfield,

Pawpaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the brief of the Cherokee Nation in Cherokee freedmen cases D-85, D-86, D-89, D-998 and D-1001.

You are advised that you will be allowed ten days from date hereof in which to file with the Commission, for transmission to the Secretary of the Interior, a reply to this brief.

Respectfully,

Commissioner in Charge.

Enc. D-65.

Cherokee Freedmen
D-85.

Muskogee, Indian Territory, June 6, 1904.

Cravens, Rutherford & Cravens,
Attorneys for Samuel H. Starr et al.,
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter without date, asking for an extension of time until June 15th, within which to file your reply to the brief of the Cherokee Nation's attorney in the Cherokee freedmen application of Samuel H. Starr et al. Receipt is also acknowledged of copy of your motion to that effect.

In reply you are advised that said motion has been granted, and there is herewith enclosed a copy of the Commission's order therein.

Respectfully,

Enc. D-17.

Chairman.

W. C. F.

FHE J. P.

D. C. 24239-1904.
I. T. D. 1168, 4648-1904.
4723-5406- "
L. R. S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 9, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr, et al, including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation, and directed to notify the attorney for the Cherokee Nation that he would be allowed thirty days within which to file an argument in the case he might desire, and the applicant ten days within which to answer same.

On May 25, 1904, you transmitted a motion on behalf of the applicants, to reopen and remand the case for further hearing. On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case. On June 9, 1904, said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which he states:

"The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The record before the Department fails to show that said Henry West was rejected by said Courts, or that he made application to said Courts for admission to citizenship in the Cherokee Nation, as is claimed by the attorney for said nation. It is desired that you report to the Department what the records of your office show relative to the action of the courts upon the application of Henry West, and if you have not a copy of the record concerning said application, it is desired that you procure same if possible and forward it direct to the Department to be considered in connection with the case.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,
WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

> "The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1904, transmitting a copy of the decisions of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W.C.P.
LLB

JP

I.T.D. 1168, 4648-1904.
4725, 5406-1904.
5724, 6202-1904.
6587, 6943-1904.

September 17, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the consolidated Cherokee freedman case of Nancy Starr et al., including your decision of July 1, 1903, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1878 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Henry West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

18 inclosures.

(1) "RM

COP

Cherokee Freedmen
D 85

Muskogee, Indian Territory, October 6, 1904.

Samuel H. Starr,

Cottonwood, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and your minor children, Sallie, Lillie and Leona Starr, as Cherokee freedmen, was reversed by the Secretary of the Interior on september 17, 1904, and the Commission ordered to enroll you and your said minor children as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D;88

Muskogee, Indian Territory, October 6, 1904.

William M. Cravens,
Attorney for Samuel H. Starr, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, the application for the enrollment of Samuel H. Starr and his minor children, Sallie, Lillie and Leona Starr, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Tams Bixby
Chairman.

COPY.

Cherokee Freedmen
D 998, et al.

Muskogee, Indian Territory, October 6, 1904.

Ball, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel H., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Lee, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Tams Bixby,
Chairman.



Cher Fr 1385

Trans. from Cher Fr D 86

See Cher Fr D 85, D 88, D 89 and D 998

Cher Fr 1385

Department of the Interior,

Commission to the Five Civilized Tribes,
Ft. Gibson I.T., April 24, 1901.

In the matter of the Application of Sarah Barnes for the enrollment of herself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name? A Sarah Barnes.
A How old are you? A 30.
Q What is your post-office address? A. Foreman.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedmen? A Yes sir.
Q Have you ever applied to be enrolled by any other tribe or nation?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedmen? Yes Sir.
Q Is your name on the roll of 1880? A No sir, I guess not.
Q What was your father's Name? A Sam Starr.
A What was your Mother's Name? A Nancy Starr.
Q Where were you born? A Born in Sequoyah.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of the children? A Jennie.
Q How old is she? A Four years old.
Q Name of the next child? A Samuel
Q Samuel, how old is he? A Two years old.
Q What id the name of the next one? A Nola.
Q How old is Nola? A Nine month old.
Q What is your Husband's name? A Robert Barnes.
Q Is he a citizen? A Yes sir.
Q Where is he? A He is here.
Q Has he enrolled? A No sir.
Q

Commissioner: He ought to come and attend to this business.

Q Is your name on the roll of 1896? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Were you ever married before you married Barnes? A No sir.

Starns-Clifton pay Roll of citizens of the Cherokee Nation page 112 #2780 Sarah Starr, Illinois District.

tion ? A Yes Sir.
Q [illegible] ever since? A Yes sir.
Q Where were you born? A In Sequoyah.
Cherokee Nat

Com'r Needles: The name of Sarah Barnes is not found upon the authenticated roll of 1880 nor the census roll of 1896; her name is found upon the Keene-Clifton roll as Sarah Starr, her maiden name; she avers that she is married to one Robert Barnes; she avers that she is a child of Sam and Nancy Starr, and that by the marriage to said Robert Barnes she has three children, Jennie, Samuel and Nola Starr, whose names do not appear upon any roll, having been born since the roll was compiled; reference is made herein to the testimony taken in the case of Sam K. Starr, her brother, card 268; from the testimony in the case of Samuel K. Starr the Commission is satisfied as to the rights of said Sarah Barnes and her children to be enrolled as Freedmen; now comes the Cherokee Nation, and on purely legal grounds, protests against the said enrollment consequently the name of Sarah Barnes and her three children will be placed upon a doubtful card; it will be necessary for her to file with this Commission satisfactory

Sarah Barnes et al 2

proof of birth as to said children; applicant files satisfactory proof of birth as to her three children.

N.D. Green, being first fuly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

N.D.Green

Subscribed and sworn to before me this April 18, 1901.

C. R. Breckenridge

Commissioner.

Department of the Interior,

Commission to the Five Civilized Tribes,
Ft. Gibson I.T., April 16, 1901.

In the matter of the Application of Sarah Barnes for the enrollment of herself and three childres as Cherokee Freedmen; baing sworn and examined by Commissioner Needles, she testified as follows

Q What is your name? A Sarah Barnes.
Q How old are you? A 30.
Q What is your post-office address? A. Foreman.
Q What district do you live in? A Sequayah.
Q You apply to be enrolled as a Cherokee Freedmen? A Yes sir.
Q Have you ever applied to be enrolled by any other trube or nation?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedmen? Yes Sir.
Q Is your name on the roll of 1880? A No sir, I guess not.
Q What was your father's Name? A Sam Starr.
Q What was your Mother's Name? A Nancy Starr.
Q Where were you born? A Born in Sequayah.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of the children? A Jennie.
Q How old is she? A Four years old.
Q Name of the next child? A Sammie
Q Samuel, how old is he? A Two years old.
Q What id the name of the next one? A Nola.
Q How old is Nola? A Nine month old.
Q What is your Husband's name? A Robert Barnes.
Q Is he a citizen? A Yes sir.
Q Where is he? A He is here.
Q Has he enrolled? A No sir.

Commissioner: He ought to come and attend to this business.
Q Is your name on the roll of 1896? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Were you ever married before you married Barnes? A No sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation page 112 #2790 Sarah Starr, Illinois District.

Q Are these children all living? A Yes sir.
Q Where were you born? A In Sequoyah.
Cherokee Nation ? A Yes Sir.
Q Have you been living in the Cherokee Nation ever since? A Yes sir.

Com'r Needles: The name of Sarah Barnes is not found upon the authenticated roll of 1880 nor the census roll of 1896; her name is found upon the Kerns-Clifton roll as Sarah Starr, her maiden name; she avers that she is married to one Robert Barns,; she avers that she is a child of Sam and Nancy Starr, and that by the marriage to said Robert Barnes she has three children, Jennie, Samuel and Nola Starr, whose names do not appear upon any roll, having been born since the roll was compiled; reference is made herein to the testimony taken in the case of Sam H. Starr, her brother, card D85; from the testimony in the case of Samuel H. Starr the Commission is satisfied as to the rights of said Sarah Barnes and her children to be entolled as Freedmen; now comes the Cherokee Nation, and on purely legal grounds, protests against the said enrollment consequently the name of Sarah Barnes and hwe three children will be placed upon a doubtful card; it will be necessary for her to file with this Commission satisfactory

Sarah Barnes et al 2

proof of birth as to said children; applicant files satisfactory proof of birth as to her three children.

M.D. Green, being first fuly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctely recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D. Green

Subscribed and sworn to before me this April 16, 1901.

C. T. Breckenridge

Commissioner.

Department of the Interior,

Commission to the Five Civilized Tribes,
Ft. Gibson I.T., April 16, 1901.

In the matter of the Application of Sarah Barnes for the enrollment of herself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name? A Sarah Barnes.
Q How old are you? A 30.
Q What is your post-office address? A. Foreman.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other tribe or nation?
A No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? Yes Sir.
Q Is your name on the roll of 1880? A No sir, I guess not.
Q What was your father's Name? A Sam Starr.
Q What was your Mother's Name? A Nancy Starr.
Q Where were you born? A Born in Sequoyah.
Q Who do you want to enroll besides yourself? A Three children.
Q Give me the names of the children? A Jennie.
Q How old is she? A Four years old.
Q Name of the next child? A Sammie
Q Samuel, how old is he? A Two years old.
Q What id the name of the next one? A Nola.
Q How old is Nola? A Nine month old.
Q What is your Husband's name? A Robert Barnes.
Q Is he a citizen? A Yes sir.
Q Where is he? A He is here.
Q Has he enrolled? A No sir.
Q

Commissioner: He ought to come and attend to this business.

Q Is your name on the roll of 1896? A No sir.
Q Did you draw Strip money? A Yes sir.
Q Were you ever married before you married Barnes? A No sir.

Kern-Clifton pay Roll of citizens of the Cherokee Nation
page 112 #2790 Sarah Starr, Illinois District.

Q Are these children all living? A Yes sir.
Q Where were you born? A In Sequoyah.
Q Cherokee Nation ? A Yes Sir.
Q Have you been living in the Cherokee Nation ever since? A Yes sir.

Gen'y Docket: The name of Sarah Barnes is not found upon the authenticated roll of 1880 nor the census roll of 1896; her name is found upon the Nance-Clifton roll as Sarah Starr, her maiden name; she avers that she is married to [illegible] Barnes; she avers that she is a child of Sam and Nancy Starr, and that by thereto marriage to said Robert Barnes she has three children, Jennie, Samuel and Lula Starr, whose names do not appear upon any roll, having been born since the roll was compiled; reference is made herein to the testimony taken in the case of Sam H. Starr, her brother, card 105; from the testimony in the case of Samuel H. Starr the Commission is satisfied as to the rights of said Sarah Barnes and her children to be enrolled as Freedmen; now comes the Cherokee Nation, and on purely legal grounds, protests against the said enrollment consequently the name of Sarah Barnes and her three children will be placed upon a doubtful card; it will be necessary for her to file with this Commission satisfactory

Sarah Barnes et al 2

proof of birth as to said children; applicant files satisfactory proof of birth as to her three children.

M.D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M.D.Green

Subscribed and sworn to before me this April 18, 1901.

C. R. Breckenridge

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 16 1901
CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date APR 16 1901

Post Office Foreman

District Sey.

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1. Name of wife Sarah Barnes. Age 30

Owners name ..... Citizenship .....

Year K.C. Page 112 No. 2790 District Sey.

Parents:

Father Sam Starr Citizenship Col D

Mother Nancy " Citizenship Col

Names of Children:

2 Jennie Barnes. Year ..... Page ..... No. ..... Dist. 4

3. Samuel do Year ..... Page ..... No. ..... Dist. 2

4 Nola do. Year ..... Page ..... No. ..... Dist. 9 mos

6. Year ..... Page ..... No. ..... Dist.

7. Year ..... Page ..... No. ..... Dist.

8. Year ..... Page ..... No. ..... Dist.

9. Year ..... Page ..... No. ..... Dist.

10. Year ..... Page ..... No. ..... Dist.

11. Year ..... Page ..... No. ..... Dist.

12. Year ..... Page ..... No. ..... Dist.

Application made by No (1) Stenographer Green M D.

(1) on K C Roll as "Sarah Starr"

(2) Affidavit of Birth ~~to~~ filed

(3) " " "

(4) " " "

APR 17 1901

To be filed in case of Sarah Barnes et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Ft. Gibson, I.T., April 16,1901.

In the matter of the application of Samuel H. Starr for the enrollment of himself and three children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Samuel H. Starr.
Q How old are you? A 26.
Q What is your post-office address? A Cottonwood.
Q What district do you live in? A Sequoyah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Have you been recognized by the Cherokee Nation as a Freedman? A Yes sir.
Q Is your name on the roll of 1880? A No sir, I don't guess it is
Q Why? A I don't know.
Q Who do you desire to enroll besides yourself? A Three children.
Q Are you married? A Yes sir.
Q What is your wife's name? A Sadie Starr.
Q Is she a citizen? A No sir.
Q What are the names of your children? A Sallie.
Q How old is Sallie? A Five years old.
Q What is the name of the next one? A Lillie.
Q How old is Lillie? A Three.
Q Name of the next one? A Leona.
Q How old is Leona? A Ten months old.
Q What was your father's name A Sam Starr.
Q Is he living? A No sir.
Q Your mother's name? A Nancy Starr.
Q Is she living? A Yes sir.
Q Where were you born? A Cherokee Nation, Sequoyah.
Q Have you lived there all your life? A Yes sir.
Q Never lived anywhere else? A No sir.
Q You say your name is not on the roll of 1880? A No sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name is not found thereon.

Q Your mother not on the 1880 roll either? A No sir, I don't reckon.
Q Why isn't she on? A I do not know.
Q Is she living? A Yes sir.
Q Was she a slave? A They say she was.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's mother not identified thereon.

Q By what right do you claim to be a freedman; you are not on the roll, nor your mother is not on? A I am on the other rolls they have got here I reckon.

NANCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Nancy Starr.
Q How old are you? A 52.
Q What is your post-office address? A Cottonwood, now.
Q Are you a Cherokee Freedman? Yes sir.
Q Have you ever been recognized by the Cherokee authorities? A No sir.
Q Why? A Well, they just didn't recognize me.

Q Were you a slave during the war? A Yes sir.
Q What was your owner's name? A Walk Mayfield.
Q Where were you during the war between the United States and the Confederacy? A We was out here in the United States during the war; we was in Texas until peace was made.
Q When did you come back from Texas? A We never came back until the next year after peace was made.
Q What year was that? A I don't know; next year after peace was made, in the winter.
Q You have been living here ever since? A Yes sir.
Q Is Sam Starr your son? A Yes sir.
Q Where was he born? A He was born down there in Sequoyah; all of my children.
Q He was born after you come back from Texas? A Yes.
Q Did you ever apply to the Cherokee authorities to be enrolled as a Freedman? A I never; my father did.
Q Did you draw what was known as the Strip money in 1896? Yes sir.
Q The Cherokee Strip money, you drew that did you? A Wasn't that the Clifton roll?
Q Yes? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings:

Q Your father's name was Henry West.? A Yes sir, his name was Henry Mayfield, and when peace was made the colored people had to change their names, and he changed his name to Henry West; that was my father; he belonged to Walk Mayfield.
Q He come back from the south with Walk Mayfield? A Yes sir.
Q When were you married to Sam Starr? A Twenty years before he was killed.
Q Did he come back when you did? A I don't know nothing about it; he was here when I come; I don't know nothing about when he come.
Q You know what month of the year you come in, was it April?
A No, I come back here in the winter; snowey, sleety; it was cold.
Q You say your father did apply to the Cherokee Nation for citizenship? A Yes sir. He applied for citizenship.

Examined by Commissioner Needles:

Q You don't know what year it was you came back? A I came back here next year after the war, in the winter.
Q When was the war over; was you here in '66? A They said it was '66, but of course I didn't know one year from the other; they said it was '66; my old boss told my father it was; I heard them talking about it.

Examined by Cherokee Representative, W.W. Hastings:

Q How long did your boss live after the war? A I don't know.
Q About how many years? A I have no idea; long time.
Q Good number of years? A Yes sir.

Applicant, Samuel H. Starr, re-called, and further examined by Commissioner Needles:

Q Sam, you always been living in the Cherokee Nation, all your life? A Yes sir.

1896 census roll of citizens of the Cherokee Nation examined and name of applicant not found thereon.

Q Did you draw your Strip money? A Yes sir.

Kerns Clifton Pay roll of citizens of the Cherokee Nation examined, page 112 #2792 Sam Starr, Illinois District.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Q You married Sam's father after you came back? A Yes sir, I disremember how many years I was back here when I married him; I was married to him twenty years.
Q How long has Sam Starr been dead, your husband? A Eight years.

1880 authenticated roll of citizens of the Cherokee Nation examined and name of applicant's father not found thereon.

Q His name don't appear to be on the 1880 roll either? A (No reply)

D.M.FAULKNER, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A D.M.Faulkner.
Q What is your age? A About 59.
Q Are you a Cherokee citizen? A Yes sir.
Q By blood? A Yes sir.
Q What is your post-office address? A Hanson.
Q You know Nancy Starr, mother of Sam Starr? A Yes sir.
Q You know when she returned from Texas after the war? A Well, I couldn't say for certain; there was some of old Henry West's family returned in April, '67; she was always said to be Henry West's daughter.
Q Henry West was her father? A Yes sir.

Examined, by CherokeeRepresentative, W.W.Hastings:

Q Your first wife was related to Walk Mayfield? A Yes sir, that was her uncle.
Q And she was teaching school in Sequoyah district in the spring of 1867? A Yes sir.
Q And Walk Mayfield, when he came back from Texas, returned to Sequoyah? A Yes sir.
Q I would like for you to explain why you know when Walk Mayfield came back here? A Henry West come in with Walk Mayfield in '67; he returned from Texas; and I went over there with,- well, she was Rachel L. Adair then, afterwards my wife; I went with her over there just after they was there, and Henry West was there; just had come in with Mayfield.

Examined by Commissioner Needles:

Q That Henry West was the father of Nancy Starr? A Yes sir, that's my understanding.

NANCY STARR, witness, re-called, and further examined by Commissioner Needles:

Witness: We came here in the winter just after the war; we staid there in the bottom before we ever come up on the hill, we staid in camps.

Q Did you come backwith Henry West when he came back? A Yes sir, I come back with him.

Examined by Cherokee Representative, WWHastings:

Q And you came back with Walk Mayfield? A Yes sir. Come back then next year after peace; I don't know what you call it.

Examined by Commissioner Needles:

Q What time in the year? A It was in the winter, it was freezing cold, and snowey.
Q In the spring? A We didn't come back in the spring; we come back in the winter.

HARRY STARR, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Harry Starr.
Q How old are you? A I don't know.
Q Somewhere about 49 or 50 I reckon.
Q What is your post-office? A Ft. Gibson.
Q Are you a Cherokee Freedman? A Yes sir.
Q Recognized as such by the Cherokee Nation? A Yes sir.
Q You know Samuel H. Starr? A Yes sir.
Q Did you know his father? A Yes sir, he was my brother.
Q What was his father's name? A Sam.
Q Was he a slave during the war? A Yes sir.
Q What was his owner's name? A Lila and Ellis, master named Ellis and mistress named Lila.
Q Did Sam Starr go out of the Cherokee Nation during the war? A Yes sir.
Q Where did he go to? A Down in the Chickasaw and Choctaw nation.
Q Get any further than that? A No sir.
Q When did he come back here to the Cherokee Nation? A Come back the year Peace was made.
Q You his brother? A Yes sir.
Q Why wasn't he recognized by the Cherokee authorities as a Cherokee citizen? A Why, him and a fellow differed I believe in a ~~fraxaka~~ election, and they refused to put him on the roll in the year '75, and after that time he never did go to enroll any more until he went before Wallace.
Q You say he never did go out of the Nation during the war? A I told you he did; he went down in the Chickasaw Territory.
Q He never went out of the Territory? A Nosir.
Q Did you go with him down there? A I went with my owners down there.
Q Did you go with Sam? A Yes sir.
Q Did you come back with Sam? A Yes sir.
Q You and he came back together? A Yes sir.
Q Is your name on the roll of 1880? A It is; and on the roll of '75, too. It's on all of them I reckon; it ought to be there.

Examined by Cherokee Representative, W.W.Hastings:

Q Who else came back with you, Harry? A All of these folks here, Joe and Sarah; Joe Johnson ans Sarah Wilson out here.
Q Did any of the Cherokee Starrs come back with you? A No they didn't; we left them down there.
Q Which ones did you leave down there? A Left the ones I belonged to.
Q Who are they? A Lila.
Q Who else? A Lila.
Q Did you have anybody else down there? A Left her children.
Q What was their names? AMollie and George.
Q Any of them alive now? A No; they are all dead.
Q What part of the Cherokee Nation did you come back to? A Sequoyah District.

Q What part of Sequoyah? A Down there where I used to live.
Q Where is that? A Down there in that Dr. Bell place on the River.
Q That is the first point you come to when you come from the south A No, come through Ft. Smith.
Q I mean in the Cherokee Nation? A Yes.
Q How long did you live in the bottom after you first came back? A I lived there until I come up here.
Q Well, how long was that? A I come, I don't know; it has been 25 or 6 or 7 years.

Examined by Commissioner Needles:

Q Was Sam Starr, father of Samuel H. Starr? A Yes sir.
Q What was the name of Samuel H. Starr's mother? A Nancy.
Q Were they married? A They lived together as man and wife.
Q How long, to your knowledge? A Lived together until he was killed, about eight years ago.
Q About when did they commence living together? A I couldn't tell you.
Q Was Sam H. born while they were living together? A Oh yes sir. All the children were born while they were living together.
Q They lived together as man and wife? A Yes sir.
Q Recognized by the community as man and wife? A Yes sir.
Q You know why Sam H. Starr's name is not on the roll of 1880? A Why him and a fellow differed in a election as I said.
Q I thought that had reference to the old man? A His daddy; he went to enroll and they differed in election, and of course he never tried to enroll any more until he went before Wallace.
Q For himself or his children either? A No sir.

JOSEPH JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joseph Johnson.
Q What is your age? A About 50 or 51.
Q What is your post-office? A Muskogee.
Q Are you a Cherokee Freedman? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir, on all rolls.
Q Do you know Sam H. Starr? A Yes sir.
Q How long have you known him? A From his youth and my youth up. We both belonged to the same man.
Q I mean this Sam? he A I have known him from childhood.
Q You knew his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q Was that Sam Starr a slave? A Yes sir.
Q What was his owner's name? A Ellis Starr and Lila Starr; Lila was from the Johnson family.
Q You know where Sam H. Starr's father was during the war with the Confederacy? A Yes sir.
Q Where? A In the Choctaw Nation, near Blue.
Q Were you with him? A Yes sir.
Q What relation are you now? A Well, said to be cousins by father.
Q When did old Sam Starr come back from the Choctaw Nation to the Cherokee Nation? A Well, we returned here claiming to be '65; that's what the people told us.
Q Did Old Sam Starr live in the Cherokee Nation then until his death? A Yes sir.
Q You returned with him? A Yes sir.
Q You and Sam Starr, father of Sam H. Starr, returned then at the same time? A Yes sir.
Q Who was your owner? A Ben Johnson, father of Lila Starr.

Examined by Cherokee Representative, W.W.Hastings:

Q You come back with them, did you? A Yes sir.
Q To what point did they return? A We come to Ft. Smith first, and from there over to the old Vann place; now the Bell place.
Q Who was living on that place when you first come back? A No one at that time.
Q Was there any Cherokees in that community at all? A The only family we struck that we knew there was the King family.
Q None of them living now? A I don't know.
Q None that you know of? A None that I know of.
Q What are the first Cherokees you remember seeing there? A An old Indian named Crying Bear.
Q He is not living? A I couldn't tell you.
Q How long did you stay there? A We staid there ten years before I left there.
Q What other Cherokees besides these you have mentioned came in there? A These I have mentioned were there at the time; I don't remember any others.
Q Did any Cherokees come back with you from the south? A No sir, we hoofed it with our bundles on our backs; there was no wagons or horses; nothing but a dog, and I packed a couple of chickens under my arm from Blue.

Examined by Commissioner Needles:

Q You first come to Ft. Smith? A Yes sir.
Q How long did you stay in Ft. Smith? A We staid there one week, and then come over.

DENNIS BEAN, being sworn and examined by Commissioner Needles testified as follows:

Q What is your name? A Dennie Bean.
Q What is your age? A About 42 I guess.
Q What is your post-office address? A Muldrow.
Q Are you a Cherokee Freedman? A Yes sir.
Q Recognized by the Cherokee Nation? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q You know Sam H. Starr, the applicant? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his name? A His name was Sam Starr.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Lila Starr.
Q You know where Sam Starr, father of the applicant, was during the war between the United States and the Confederacy? A Well, I don't know as I do; I know where he was in '66.
Q Well, where was he in '66? A He was down here close to Ft. Smith, on this side of the river.
Q Was that the first time you knew him? A Yes sir.
Q First time you knew Old Sam Starr was in '66? A Yes sir.
Q You didn't know him before that? A I might have saw him.
Q Did he live in the Cherokee Nation until his death from that time? A Yes sir.

ALBERT JOHNSON, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Albert Johnson.
Q How old are you? A 43
Q What is your post-office address? A Benge.
Q Are you a Cherokee Freedman? A Yes sir, I am a Cherokee Freedma

Samuel H. Starr et al 7

Q Is your name on the roll of 1880 A Yes sir.
Q You know Sam H. Starr, the applicant here? A Yes sir, I know him
Q How long have you known him? A I have ~~known him~~ been knowin g him ever since he was born.
Q Did you know his father? A Yes sir.
Q What was his father's name? A Sam Starr.
Q You know where the applicant's father, Sam Starr, was during the war between the United States and the Confeder acy? A He was down in the Choctaw Nation, some place, is all I know.
Q Was you with him? A No sir, I wasn't right with him then.
Q You know when he returned to the Cherokee Nation? A Yes sir, he come when we all did.
Q Whenwas that? A In '65.
Q You come with him? A Yes sir, we all come together; well, not exactly together; he was just about a week ahead of us; me and my mother ad two sisters.
Q You found him when you got here? A Yes sir, he was on Poteau.
Q Over on the Cherokee side? No sir, over on Poteau, on the Ft. Smith side; well, I guess it must have been the Choctaw side; I don't know where exactly.
Q When did he go on the Cherokee side, do you remember that? A He was over there often and on all the time, working at Mrs. Stonerow's.

APPLICANT, Samuel H. Starr, re-called, and further examined by Commissioner Needles, stated:

Q Is your wife a citizen? A No sir.
Q Have you got any proof of marriage? A Yes sir.
Q Have you a certificate of marriage? A No sir.
Q Who married you? A Elder Turner.
Q Is he living? A Yes sir.
Com'r: You can get a certificate from him, and file with us then.
Q What was her name? A Sadie Hutchings.

Commissioner Needles: The name of Samuel H. Starr is not found upon the authenticated roll of 1880 nor the census roll of 1896; his name is found upon the Kerns-Clifton roll; he applies to be enrolled as a Cherokee Freedman; he avers that he was married to one Sadie Hutchings, a non-citizen, and of said marriage he has three children, Sallie Lillie and Leona; he claims that he is a son of Nancy and Samuel Starr; the names of neither his father Samuel, nor his mother Nancy are found upon the authenticated roll of 1880; he makes satisfactory proof as to the marriage of his father Samuel Starr, to his mother, Nancy, and he claims citizenship through the right of his father, Samuel. Satisfactory testimony is given as to the citizenship of his father, and he is duly identified as the son of Samuel Starr, and his wife, Nancy; now comes the Cherokee Nation, and protests against the enrollment of Samuel H. Starr, ~~his~~ and his children, on legal grounds, but do not deny the fact that satisfactory proof has been made as to the said Samuel H. Starr being the son of Samuel Starr, and that Samuel Starr returned to the Cherokee Nation within the time specified by law, and that said Samuel Starr was a slave of a Cherokee citizen; said Samuel H. Starr is duly identified; the Commission is satisfied as to his rights to enrollment as a Cherokee Freedman, but because of the protest of the Cherokee Nation, ~~xxxxxxxx~~ purely upon legal grounds,, as to this case

the final judgment as to the enrollment of said Samuel H. Starr and his three children, Sallie, Lillie and Leona, will be suspended, and their names will be placed upon a doubtful card; and it will be necessary for said Samuel H. Starr to file with this Commission satisfactory proof of birth as to his three children, their names not appearing upon any of the rolls, and also certificate of marriage as to his marriage between himself and his present wife, Sadie Hutchings.

-------*******-------

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this April 17, 1901.

C. W. Shearer

Commissioner.

Cherokee Freedman

7125 199 N. C.

IN RE

Application for Enrollment of

~~MINOR CHILD~~

~~Act of Congress Approved April 26, 1906.~~

[redacted]

as a citizen of

Cherokee Nation.

Approved April 11 1901

[redacted]

Commissioner.

BIRTH AFFIDAVIT 199

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS, ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Jennie Barnes, born on the 7th day of Sept. 1896

[Here insert name of child]

Name of Father: Robert Barnes a citizen of the Cherokee Nation.

Name of Mother: Sarah Barnes a citizen of the Cherokee Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice Tahlequah, I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Sarah Barnes, on oath state that I am 20 years of age and a citizen by adoption of the Cherokee Nation; that I am the lawful wife of Robert Barnes, who is a citizen, by adoption, of the Cherokee Nation; that a female child was born to me on the 7th day of Sept, 1896; that said child has been named Jennie Barnes, and was living March 4, 1906.

[Male or Female]

Sarah Barnes

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 1st day of April 1906.

A. H. Barnes

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
..... District.

I, Mary J. Hargrave, a Midwife, on oath state that I attended on Mrs. Sarah Barnes wife of Robert Barnes on the 7th day of Sept. 1896; that there was born to her on said date a female child; that said child was living March 4, 1906, and is said to have been named Jennie Barnes

[Male or Female]

Mary J. Hargrave

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 1st day of April 1906.

Notary Public

Choctaw Freedmen

8135 100 "i. 11.

IN RE

Application for Enrollment of

[redacted] CHILD

~~Act of Congress Approved April 26, 1906.~~

[redacted]

as a citizen of

Choctaw Nation.

Approved 11 1901

[redacted]

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~DEPARTMENT OF THE INTERIOR, OFFICE OF COMMISSIONER TO THE FIVE CIVILIZED TRIBES.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the ..... Nation,

of ..... (Here insert name of child), born on the ..... day of 1900,

Name of Father ..... a citizen of the ..... Nation.

Name of Mother ..... a citizen of the ..... Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice .....

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory, }
..... District }

I, ..., on oath state that I am ..... years of age and a citizen by ..... of the ..... Nation, that I am the lawful wife of ....., who is a citizen, by ..... of the ..... Nation; that a ..... (Male or Female) child was born to me on the ..... day of ....., 1900; that said child has been named ..... ~~and was living March 4, 1900~~

.....

WITNESSES TO MARK:

[~~Must be two witnesses~~] }
..... }

Subscribed and sworn to before me this ..... day of ....., 1900.

.....
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory, }
..... District }

I, ..., a ..... by ..... on oath state that I attended on ....., wife of ....., on the ..... day of ....., 1900, that there was born to her on said date a ..... (Male or Female) child, that said child ~~was living March 4, 1900~~, and is said to have been named .....

.....

WITNESSES TO MARK

[~~Must be two witnesses~~] }
..... }

Subscribed and sworn to before me this ..... day of ....., 1900.

.....
Notary Public.

IN RE

Application for Enrollment of

[redacted] CHILD

Age at Completion Approved April 28, 1900.

as a citizen of

[redacted] Nation.

Approved [redacted] 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the [illegible] Nation,

of [illegible], born on the [illegible] day of [illegible] 1906

[Here insert name of child]

Name of Father: [illegible] a citizen of the [illegible] Nation.

Name of Mother: [illegible] a citizen of the [illegible] Nation.

Tribal enrollment of father..... Tribal enrollment of mother.....

Postoffice [illegible]

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

[illegible] District.

I, [illegible] on oath state that I am [illegible]

years of age and a citizen by [illegible] of the [illegible] Nation;

that I am the lawful wife of [illegible], who is a citizen, by

[illegible], of the [illegible] Nation; that a [illegible] child was born to me on

[Male or Female]

[illegible] day of [illegible], 1906; that said child has been named

[illegible] ~~and was living March 4, 1906.~~

[illegible]

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this [illegible] day of [illegible] 1906.

[illegible]

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,

[illegible] District

I, [illegible], a [illegible] on oath state that I

attended on [illegible], wife of [illegible]

on the [illegible] day of [illegible] 1906; that there was born to her on said date a [illegible]

[Male or Female]

child; that said child ~~was living March 4, 1906~~, and is said to have been named [illegible].

[illegible]

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this [illegible] day of [illegible] 1906.

[illegible]

Notary Public

My term expires [illegible]

8152 190 F.C.T.

IN RE

Application for Enrollment of

[redacted] CHILD

Act of Congress Approved April 26, 1906.

as a citizen of

Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Robert Barnard, [Here insert name of child] born on the 24 day of May 1902

Name of Father: Robert Barnard, a citizen of the Cherokee Nation.

Name of Mother: Sarah Barnard, a citizen of the Cherokee Nation.

Tribal enrollment of father ..... Tribal enrollment of mother .....

Postoffice: Barnsdall, Cherokee Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Sarah Barnard, on oath state that I am 20 years of age and a citizen by Birth, of the Cherokee Nation; that I am the lawful wife of Robert Barnard, who is a citizen, by Birth, of the Cherokee Nation; that a male child was born to me on 24 day of May, 1902; that said child has been named Robert Barnard, ~~and was living March 4, 1906.~~

Sarah Barnard

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1902

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, W. H. Tullett, a Physician, on oath state that I attended on Mrs. Sarah Barnard, wife of Robert Barnard on the 24 day of May, 1902; that there was born to her on said date a male [Male or Female] child; that said child ~~was living March 4, 1906~~, and is said to have been named Robert Barnard

W. H. Tullett M.D.

WITNESSES TO MARK:

[Must be Two witnesses]

Subscribed and sworn to before me this 24 day of May 1902

Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah Barnes,
Foreman, I.T.
Cherokee 4-D-86
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F. D-86

Muskogee, Indian Territory, July 11, 1903.

Sarah Barnes,

Foreman, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your four minor children, Jennie, Samuel, Nola and Robert Barnes, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-71

Register.

COPY

Cherokee T.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated July 2, 1903, in the consolidated cases of Nancy Starr et al., rejecting the applications for the enrollment of Nancy Starr, Nellie, Lee, Lizzie and Cornelia H. Nelson, Annie, George and Turner Starr, Frances, Willie T. and Ernest Wilson, Sarah, Jennie, Samuel, Lela [illegible], Robert [illegible], Samuel W., Willie, Willi[illegible], Dora, Henry, Harriette, Jessie and Harry Starr, Charles, Emanuel, Beulah, Boyd, Nellie [illegible], Gabriel and Annie [illegible] as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. 1-75

Cherokee T.D-998-
85-86-30-99-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Marie and Cassie M. McClain, Annie, George and Turner Starr, Frances, William D. and Ernest Wilson, Sarah, Jennie, Samuel, Lola and Robert Parris, Samuel M., Nellie, Willie, Leona, Henry, Henrietta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Boyd, McKinley, Nathaniel and Minnie Mayfield, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Inc. D-76

COPY.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel H. Starr for the enrollment of himself and his three minor children, Sallie, Lillie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Jennie, Samuel, and Nola Barnes; of Nellie McLain for the enrollment of herself and her three minor children, Lee, Maxie and Cassie M. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William H., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Beulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Jennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are f found on the 1880 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act f Congress approved January 28, 1898 (30 Stats., 495).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 62 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Mayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview; that they came back the next year after the war "way in the fall like".

The witness testifies that she now lives on her father's place; that his name was Henry Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Marion Johnson, Uncle Tom Ragsdale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollment as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage and D. M. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1866; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

On cross examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellview, Texas; that his father belonged to Walk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Walk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitmire, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitemore is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1901, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Harnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

In other words, it is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commission then makes inquiry as to when the witness started from Texas, and he replies "I couldn't, in November '66". The witness further testifies that Walk Mayfield brought his 12 slaves back with him; that he knew Houston West and saw them together at that time; that Houston West was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Warnage, who says he is 59 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Warnage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lives within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "How what time did Walk Mayfield come to the Cherokee Nation?" Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brought his slaves with him; that he knows Houston West; and that he, the witness, remained to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and saw him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee Nation until after January 1867;

that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is J. B. Falkner, who says he is about 60 years old, is a Cherokee by blood; that his wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news come that he uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in?

The testimony further shows that the witness had to go four

exist, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 18th of April when they were married; and that just a few days before that was when he and this young lady went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought the slaves but that the white man was all he saw.

Counsel for the nation then asked this witness the following question: "Was the wheelmen the reason, when you got there?" Answer "There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Warnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived; but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

shows that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Marnage, does not know when Walk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, J. M. Walkner, testifies that Mayfield got home about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel I. Adair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Walkner and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Walkner testifies that Mayfields claimed they had just come in, but this does not show whether they had been in one week, two weeks, or six, for even though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Walkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

...TERIOR,

...CIVILIZED TRIBES.

~~APPROVED APRIL 26, 1906.~~

...Nation,

...day of ...1906

...tizen of the ...Nation.

...tizen of the ...Nation.

...ent of mother.....

.....

oath state that I am .....

..... Nation;

....., who is a citizen, by

....Nation; that a ...child was
[Male or Female]

..., 1906...; that said child has been named

~~living March 4, 1906.~~

.....

.....

.....1906.

.....
Notary Public.

...R MID-WIFE.

..... on oath state that I

.....

born to her on said date a .....
[Male or Female]

named .....

.....

.....1906.

.....
Notary Public

8135 190

IN RE

Application for Enrollment of

[redacted] CHILD

Act of Congress Approved
April 26, 1906.

as a citizen of

Nation.

Approved 190

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

~~ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 26, 1906.~~

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
of Robert Parris, born on the 24 day of May 1902
[Here insert name of child]
Name of Father: Robert Parris a citizen of the Cherokee Nation.
Name of Mother: Sarah Parris a citizen of the Cherokee Nation.
Tribal enrollment of father ..... Tribal enrollment of mother .....
Postoffice Paris, Cherokee Nation

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, Sarah Parris on oath state that I am 20 years of age and a citizen by Blood, of the Cherokee Nation;
that I am the lawful wife of Robert Parris, who is a citizen, by
Blood, of the Cherokee Nation; that a Male child was born to me on
[Male or Female]
24 day of May, 1902; that said child has been named
Robert Parris and ~~was living March 4, 1906~~.

Sarah Parris

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1902

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, Indian Territory,
Northern District.

I, W. H. Triplett, a Physician, on oath state that I
attended on Mrs. Sarah Parris, wife of Robert Parris on
the 24 day of May, 1902; that there was born to her on said date a Male child;
[Male or Female]
that said child ~~was living March 4, 1906~~, and is said to have been named Robert Parris

W. H. Triplett M.D.

WITNESSES TO MARK:

[Must be Two Witnesses]

Subscribed and sworn to before me this 24 day of May 1902

Notary Public.

4086

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Sarah Barnes,
Foreman, I.T.
Cherokee 2-D-86
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cherokee F. D-66

Muskogee, Indian Territory, July 11, 1903.

Sarah Barnes,

Foreman, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your four minor children, Jennie, Samuel, Nola and Robert Barnes, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, rejecting, among others, your said application.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-71

Register.

COPY

Cherokee T.D-998-
85-86-88-89-1001

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated cases of Nancy Starr et al., objecting the applications for the enrollment of Nancy Starr, Nellie, Lee, Wade and Carrie M. Mullen, Arnie, Pearce and Turner Starr, Frances, William E. and Ernest Wilson, Sarah, Jennie, Carrol, Ola [illegible], Robert [illegible], Samuel W., Willie, Lilli [illegible], Dean, Henry, Henriette, Jessie and Mary Starr, Charles, Emanuel, Beulah, Boyd, [illegible], Gabriel and Daniel [illegible] as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. 2-75

00

Cherokee T.D-998-
85-86-30-89-1001

Muskogee, Indian Territory, July 11, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nancy Starr et al., including the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, Nellie, Leo, Maxie and Cassie M. McBain, Annie, George and Turner Starr, Frances, William D. and Ernest Wilson, Sarah, Jennie, Samuel, Nola and Robert Perry, Samuel W., Nellie, Willie, Leona, Henry, Henrietta, Jessie and Harry Starr, Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Minnie Mayfield, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Inc. D-76

Copy.

Land
44290-1903

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Nancy Starr for the enrollment of herself; of Samuel H. Starr for the enrollment of himself and his three minor children, Sallie, Lillie and Leona Starr; of Sarah Barnes for the enrollment of herself and her three minor children Jennie, Samuel, and Nola Barnes; of Nellie McLain for the enrollment of herself and her three minor children, Lee, Maxie and Cassie M. McLain, also her sister Annie Starr, her two brothers George and Turner Starr, her niece Francis Wilson, and her two nephews William S., and Ernest Wilson; of Henry Starr for the enrollment of himself and his two minor children Henrietta and Jessie Starr; and of Charles Mayfield for the enrollment of himself and his five minor children Emanuel, Beulah, Royal McKinley and Nathaniel Mayfield. It further appears that Robert Barnes, Henry Starr and Bennie Mayfield were all born subsequent to these applications and that birth affidavits have been filed in relation to them, which affidavits are made a part of the record. These parties all make application to be enrolled as Cherokee Freedmen.

On July 1, 1903, the Commission rendered a decision in this

case, finding from the evidence that the said Nancy Starr was a slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion and did not return thereto until after January 19, 1867; that all the other applicants herein are descendants of said Nancy Starr and have no rights as Cherokee Freedmen except such as they may have acquired through her; that none of the names of the applicants herein are f found on the 1880 authenticated Cherokee roll; and that by reason of said findings the Commission is of the opinion that these applications should be denied under the provisions of section 21 of the act f Congress approved January 28, 1898 (30 Stats., 495).

I have examined the evidence submitted in this case both for and against the applicants. Nancy Starr, the alleged ancestor through whom all these applicants claim their right to enrollment, testifies that she is about 62 years old; that her name is on the Kern-Clifton and Wallace rolls; that her husband was Sam Starr, and that Henry West was her father; that she was a slave of Walk Mayfield, and that Jane Mayfield was her mistress, both of whom were Cherokee citizens; that she went to Texas during the war; that she came back the next year after peace, in the winter, to Lila Starr's place and has been living in the Cherokee Nation ever since.

On cross examination the witness testifies that she was born in Texas and that she went from Texas to the Cherokee Nation when very small; that she went to Texas from the Cherokee Nation with Walk Mayfield in the time of the war. The witness then states that she does not remember about coming from Texas to the Cherokee Nation after

her birth but that they said she was born in Texas, but she does remember going to Texas with Mayfield during the war to a place near Bellview; that they came back the next year after the war "way in the fall like".

The witness testifies that she now lives on her father's place; that his name was Henry Mayfield in slavery; that when they located there after the war, a Cherokee named Crying Bear lived there, also Marion Johnson, Uncle Tom Ragsdale and Billy Sanders and his wife. Witness further testifies that she and Houston West are brother and sister, and that she came to the Cherokee Nation the same time as Houston West; and that she is older than her said brother.

The records show the following order issued by the Commission on September 18, 1901, in the matter of the application of Nancy Starr et al:

The Cherokee Nation makes satisfactory proof of service of notice that testimony would be taken in the matter of the application of the said Nancy Starr for enrollement as Cherokee Freedman at Fort Gibson, Indian Territory, on the 13th day of September, 1901. Said Nancy Starr has been called three times and does not respond. The Cherokee Nation desires that the evidence of W. T. Harnage, Ezekiel Harnage and D. M. Faulkner, taken in the matter of the application of Houston West for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory on the 4th day of September, 1901, be made a part of the record in the case of the said Nancy Starr. The order will be made.

Upon examining this evidence submitted in the matter of the application of Houston West for enrollment, and which is made a part of the record herein by the order of the Commission, I find that the said Houston West testifies that he is 47 years old; that he was a slave and belonged to Walk Mayfield, who was a Cherokee citizen; that he went to Texas during the war and returned to the Cherokee Nation in 1866; and that when asked what time in 1866, replies, "It was in the winter". The witness further testifies that he has lived in the

Cherokee Nation ever since that time.

On cross examination by counsel for the Cherokee Nation, the witness testifies that his father's name is Henry West and his mother's name is Phoebe; that he belonged to the Mayfields and was living on the Blackburn place in Sequoyah at the beginning of the war; that he went to Texas the second year of the war and stopped at the old Mayfield place near Bellview, Texas; that his father belonged to Walk Mayfield at the beginning of the war. The witness claims that he returned to the Cherokee Nation in 1866 with Walk Mayfield and his family.

The witness testifies that his father died in 1893 or 1894, and that his mother died before that date; that the names of his father and mother are not on the roll of 1880 but that the name of his sister, Mary Whitmire, is on the 1880 roll; and that she went to Texas with him and returned with him. This statement of the witness is verified by the record which shows that his sister, Mary Whitemore is on said 1880 roll.

There are then several witnesses called in behalf of Houston West's claim, and they all more or less substantiate the facts testified to by him.

At the close of the testimony on his behalf, the Commission gives a short synopsis of the status of his case and among other things say-

The evidence so far presented is sufficient to justify the Commission in enrolling the said Houston West and his five children herein named, as Cherokee Freedmen, but now comes the Cherokee Nation and protests the enrollment, averring that they have witnesses with which to rebut the evidence now given, consequently, the said Houston West and his five children will be listed as Cherokee Freedmen on a doubtful card, and when the final decision is arrived at, he will be notified by mail.

Subsequently on September 4, 1901, the Cherokee Nation submitted the testimony referred to above, but the applicant was not present or represented by counsel.

The first witness W. T. Harnage testifies that he is about 53 years old, is a Cherokee citizen by blood, and I wish to invite the attention of the Department to the manner in which the first question of importance is submitted to him by counsel for the Cherokee Nation, as follows:

"I believe you made a statement that you returned here in December of 1866, after the war." Answer, "Yes sir."

So far as the record shows, the witness had made no such statement, and to say the least, it is certainly a very leading question, and in view of the fact that the claimant was not present either in person or by counsel, is a very improper one.

The witness then testifies that he knows Walk Mayfield, who is his uncle; that when he came back in 1866, he located just across the river from Fort Smith in Sequoyah district, and continued to remain there until after Christmas when he went up to Flint.

The counsel for the Nation again undertakes to testify for the witness at this point, and suggests to him that he remained until "about the 1st of January". To which he replies "about the 1st of January sometime".

The witness then testifies that his uncle, Walk Mayfield had not returned when he left there, and that he remained up in Flint until about the middle of April, went back down in the bottom (where he had first located) and found him there when he returned in April, 1867.

In other words, it is made to appear from this witness, that Walk Mayfield had not returned to the Cherokee Nation up to about the 1st of January, 1867, when this witness left the bottom and went up to Flint, but that when he again returned to the bottom in April, 1867, he found Walker Mayfield there.

The witness does not pretend to say at what time between about January 1, 1867 and April, 1867, Walker Mayfield returned to the nation. This witness further testifies that he left Walker Mayfield in Texas when he, the witness, started back. The Commission then makes inquiry as to when the witness started from Texas, and he replies "in October, in November '66". The witness further testifies that Walk Mayfield brought his old slaves back with him; that he knew Houston West and saw them together at that time; that Houston West was in Texas when he left there living on Mayfield's farm; that they made a crop there.

The next witness testifying in behalf of the nation is Ezekiel Warnage, who says he is 59 years old, is a Cherokee citizen, and was in Texas when the war closed and came back to the Cherokee Nation the 16th day of December, 1866, and located in that part of the Cherokee Nation known as Sequoyah district; that he is a second cousin to Walk Mayfield and is a half-brother of the witness, W. T. Warnage.

The witness further testifies that he knows Walk Mayfield; that he saw him in Texas; that he lives within less than two miles of him there; and that he left Mayfield in Texas when the witness moved up to Sequoyah, December 16, 1866. And, when asked "How what time did Walk Mayfield come to the Cherokee Nation?" Witness replies "To the best of my knowledge Walker Mayfield came there along in the latter

part of March 1867." The witness also testifies that Mayfield brought his slaves with him; that he knows Houston West; and that he, the witness, remained to reside in Sequoyah district from December 16 until the following March or April; and that Mayfield located about four miles or five from him.

On being examined by the Commission, the witness testifies that Houston West was the slave of Walk Mayfield; that he first saw Houston after the war, after Mayfield came back to the nation, and saw him with Mayfield's family. The witness further testifies that he is positive that Mayfield did not come back to the Cherokee Nation until after January 1867;

that he fixes that fact in his mind in connection with going to work to make a crop.

The next and last witness to testify on behalf of the nation is W. P. Walkner, who says he is about 60 years old, is a Cherokee by blood; that his wife claimed Walk Mayfield as her uncle; that he was living in Sequoyah district in 1866 and the spring of 1867; that he knew Mayfield before the war and when asked "When did Walk Mayfield return after the war?" replies, "Well, he returned about the first week of April, 1867". And when asked to tell why he fixes that time and all the circumstances, replies "Well, this young lady "that I spoke of"-- "That you afterwards married?" "Yes; she was boarding with my sister, teaching school, and the news come that he uncle had come home from Texas, just from Texas, and I went with her over there that is about the first part of April, the first week, or the first of April, 1867, when we went, and they claimed they had just come in."

The testimony further shows that the witness had to go four

miles, and that the reason he is so positive about it, he, and this young lady were married about ten or fifteen days after that; that he has got it in the bible at home and this time is dated on the 17th or 20th of April when they were married; and that just a few days before that was when he and this young lady went over to her uncle's, Walk Mayfield.

The witness further testifies that they had some slaves, colored people, with them; that there was an old man named Henry West, and that he has known him ever since that time; that they claimed they had brought two slaves but that the old man was all he say.

Counsel for the nation then asked this witness the following question: "Was the Cherokees the wagons, when you got there?" Answer "There was a covered wagon standing there when we got there."

The above is in substance all of the testimony submitted in this case on behalf of the Cherokee Nation, and I take it that the Commission, in rendering said decision has based the same upon the testimony of these three witnesses.

I do not consider that this testimony on the part of the nation is of such a character, or is so conclusive that said decision if based thereon, is justified. The only thing that the witness W. T. Warnage testifies to that even tends to show that Walk Mayfield did not return prior to February 11, 1867, to the Cherokee Nation, is the fact that he states when he left there about January 1, 1867, Mayfield had not yet arrived, but that when he returned in April, 1867, Mayfield was there. The witness does not undertake to say on what day or in what week between January 1, 1867 and April, 1867 Mayfield returned. I therefore conclude that his testimony utterly fails to

shows that Mayfield did not return to the nation prior to February 11, 1867.

The next witness, Ezekiel Marnage, does not know when Walk Mayfield returned to the Cherokee Nation, for he says: "To the best of my knowledge Walker Mayfield came there along in the latter part of March, 1867", and undertakes to say that he fixes that fact in his mind in connection with going to work to make a crop. He swears positively that Mayfield did not come back to the Cherokee Nation until after January 1, 1867, but gives no facts and states no reason why he knows that to be true, that are of sufficient importance to be given any serious consideration, considering the long lapse of time since that date.

The next witness for the nation, J. S. Falkner, testifies that Mayfield got home about the first week of April, 1867, and undertakes to show that he knows this to be true for the reason that he and Rachel L. Adair, his first wife, went over to see Mayfield about the 1st of April, 1867, and that Mayfields claimed they had just come in.

It is not necessary to dispute the fact that Falkner and his intended wife made this visit and made it at or about the time to which he testifies, but this fact does not establish or show when Walker Mayfield returned to the Cherokee Nation. Falkner testifies that Mayfields claimed they had just come in, but this does not show what for they had been in one week, two weeks, or six, for even though they had been in the nation six weeks or two months, it would be but natural for them to say to him that they had just come in. Falkner does not undertake to say on what day, or in what month in 1867 Walk Mayfield and his people returned to the Cherokee Nation.

Yes, adverting to the testimony of Nancy Starr, I consider her testimony direct and to the point, and it appears from her replies that she is more or less intelligent and capable of narrating facts and circumstances, and she insists in her testimony that they returned to the Cherokee Nation in the winter although she does not pretend to say in what year, excepting that it was the next year after the war. It will be noted that Houston West also testifies that he returned to the Cherokee Nation in the winter.

Nancy Starr further testifies in the matter of the application of Samuel N. Starr for the enrollment of himself and his three minor children, which being cross examined by the representatives of the Cherokee Nation, as follows:

"You know what month of the year you came in, was it April or August or ---? I came back here in the winter, snowy, sleety, it was cold."

I do not deem it necessary to take up all this testimony and discuss the same, but inasmuch as the Department has decided that the six months period within which Cherokee Freedmen were entitled to return to the Cherokee Nation under the provisions of the treaty of 1866, did not terminate until February 11, 1867, and inasmuch as the Cherokee Nation, in my opinion, absolutely fails to show that Walk Mayfield did not return to the Cherokee Nation until after February 11, 1867, and inasmuch as the applicants testified that they did return the first year after the war, in the winter time, and submit the testimony of a number of witnesses substantiating their claim, I consider that the decision in this case, denying the claim of the applicants should be set aside, and that they should be enrolled as Cherokee Freedmen, citizens of the Cherokee Nation.

It appears that a sister of Houston West has already been placed on the dead roll, and was been approved as a Cherokee Freedman citizen by said motion, and the testimony of all the witnesses in this case shows that this sister and her dead brother, Houston West returned at the same time, and that in fact Walker Mayfield and all of the slaves returned together.

While the testimony submitted it plainly appears that while the [illegible] slaves were in Texas, [illegible] ordinarily remained at [illegible] and [illegible] [illegible], [illegible] with [illegible] [illegible] [illegible]

and circumstances as tend to show when they did return.

There seems to be no question as to the status of all these applicants, they are either all entitled to enrollment or should all be denied, since they are all either Cherokee Freedmen or the descendants of Cherokee Freedmen, I therefore recommend in view of the foregoing that each of said applicants above named be enrolled as Cherokee Freedmen citizens of the Cherokee Nation.

Very respectfully,

A. C. Tonner
Acting Commissioner.

W.C.B.(E)

WET

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D C 10650-1904. April 4, 1904.

I.T.D. 1160-1904.

LRS.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

July 11, 1903, you transmitted the record in the Cherokee freedman case of Nancy Starr, et al., including your decision of July 1, 1903, rejecting the applicants.

Reporting February 6, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be reversed.

You are directed to notify the applicants and the attorney for the Cherokee Nation of the Acting Commissioner's recommendation, and allow said attorney thirty days within which to file any argument in the case he may desire, and the applicants ten days within which to answer same.

A copy of the Acting Commissioner's communication is inclosed.

Respectfully,

signed. Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 86

Muskogee, Indian Territory, April 18, 1904.

Sarah Barnes,

Foreman, Indian Territory.

Dear Madam:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs' letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting, among others, your application for the enrollment of yourself, et al., as Cherokee freedmen.

In accordance with the Department's instructions the attorney for the Cherokee Nation has this day been advised that he will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument he may desire to submit in this case, a copy of which argument he will be required to furnish you. You are advised that you will be allowed ten days additional in which to file with the Commission for transmission to the Secretary a reply to said argument.

Respectfully,

Chairman.

Cherokee Freedmen
D 85-6-8-9, 998
& 1001.

Muskogee, Indian Territory, April 18, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

The Commission is in receipt of Departmental letter of April 4, inclosing a copy of Commissioner of Indian Affairs letter of February 6, recommending the reversal of the Commission's decision of July 1, 1903, rejecting the applications for the enrollment of Nancy Starr, et al., as Cherokee freedmen, cases Nos. C. F. D. 85-6-8-9, 998 & 1001.

In accordance with the Department's instructions you are advised that you will be allowed thirty days from date hereof in which to file with the Commission for transmission to the Secretary of the Interior any argument you may desire to submit in these cases, a copy of which argument you will be required to furnish the principal applicant in each case.

Respectfully,

Chairman.

Cherokee Freedmen D-65-6-8-9-998-1901.

Muskogee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 4, 1904, (I.T.D. 1168-1904) there are herewith enclosed argument of the Attorney for the Cherokee Nation, and the reply of the applicants' attorneys, in Cherokee Freedmen D-65, et. al., Nancy Starr, et. al.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. L-13.

C O P Y

DEPARTMENT OF THE INTERIOR,

Refer in reply to the following:
Land.
49491-1904.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

July 9, 1904-I.T.D. 5406-, the Department advised the Commission that on April 29 last, the attorney for the Cherokee Nation filed a brief protesting against the reopening of the Nancy Starr, et al., case, applicants for enrollment as Cherokee freedmen, and that on June 9 said attorney filed a supplemental brief on behalf of the Cherokee Nation, in which the following appears:

> "The record in this case shows that Henry West the father and grand-father of all these applicants applied to the Supreme Court of the Cherokee Nation in 1871 which was then sitting as a court of Commission duly authorized by an act of the National Council of date December 3d 1869, and that the Court rendered a judgment after hearing all of his testimony and considering his case, rejecting the applicant. In 1878 this same Henry West again applied to the Cherokee Commission on citizenship known as the "Chambers Court" which was authorized to hear and determine applications for citizenship under an act of the National Council, approved December 1877, and after testimony having been introduced in this case, a written opinion was rendered and signed by all of the members of the Court rejecting the applicant."

The Commission was advised that the record forwarded with their decision in the Nancy Starr case did not show facts as set out, in the supplemental brief of the attorney for

the Cherokee Nation, and they were requested to inform the Department as to what their records disclosed concerning the subject.

There is enclosed a report from the Commission dated July 18, 1904, transmitting a copy of the decisions of the Cherokee Citizenship Commission in the application for admission made by Henry West, which the Commission say should have accompanied their decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-Ma

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

W.C.F.
LLB

JP

I.T.D. 3168, 4648-1904.
4723, 5406-1904.
5724, 6802-1904.
6587, 6943-1904.

September 17, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 11, 1905, you transmitted the record in the consolidated Cherokee freedmen case of Nancy Starr et al., including your decision of July 1, 1905, rejecting the applicants.

February 6, 1904, the Acting Commissioner of Indian Affairs recommended that your decision be reversed, and that the applicants be enrolled as Cherokee freedmen.

April 4, 1904, you were notified of the Acting Commissioner's recommendation and directed to notify the attorney for the Cherokee Nation and the applicants that they would be allowed further time in which to file argument in the case.

On May 25, 1904, you transmitted a motion on behalf of the applicants to reopen and remand the case for further hearing.

On April 29, 1904, the attorney for the Cherokee Nation filed a brief protesting against the granting of the motion to reopen the case.

On June 9, 1904, said attorney filed a supplemental

brief on behalf of the Cherokee Nation in which he called the attention of the Department to the fact that the supreme court of the Cherokee Nation in 1871 rendered a judgment rejecting the application of Henry West, the father and grandfather of the applicants in this case. He also stated that in 1878 Henry West again applied to the Cherokee Commission on Citizenship, known as the "Chambers Court," which was authorized to hear and determine applications for citizenship under an act of the National Council approved December, 1877, and that the applicant was rejected by said court.

On August 1, 1904, at the request of the Department you forwarded the decisions referred to by the attorney for the Cherokee Nation, which decisions are made a part of the record.

June 30, 1904, you forwarded the argument of the attorney for the Cherokee Nation, also reply to said argument by the attorney for the applicants. Said arguments have received due consideration.

On July 22, 1904, Thomas J. Watts, attorney for applicants, transmitted a petition requesting that if in the opinion of the Department the proof is not sufficient to admit the enrollment of the applicants that the case be reopened, with the instructions to your Commission to admit applicants to file and make additional proof in support of their claim.

The Department does not consider that the decision of the courts above referred to in the case of Henry West are bind-

ing upon the Department in the adjudication of the rights of the applicants in this case. There is nothing to show that applicants herein were parties to the case of Nancy West, and even if it could be shown that they were parties in said case there is no way to determine what the decisions of said courts would have been had the record evidence been the same as that before the Department at the present time. The question therefore to be determined is whether the applicant Nancy Starr returned to the Cherokee Nation prior to February 11, 1867. A full discussion of the evidence is contained in the Acting Commissioner of Indian Affairs' letter of February 9, 1904, a copy of which was inclosed with departmental letter of July 9, 1904.

The evidence fails to show the exact date on which the applicant Nancy Starr returned to the Cherokee Nation, but from the testimony submitted concerning the circumstances connected with her return, the Department is of the opinion that she returned prior to February 11, 1867.

The Department therefore concurs in the Acting Commissioner's recommendation.

Your decision is reversed and you are directed to enroll the applicants as Cherokee freedmen.

Respectfully,

Thos Ryan,

Acting Secretary.

18 inclosures.

(1) "RR

COPY.

Cherokee Freedmen
D 66

Muskogee, Indian Territory, October 6, 1904.

Sarah Barnes,

Foreman, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and your minor children, Jennie, Samuel, Nola and Robert Barnes, as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll you and your said minor children as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D 996, et al.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Nancy, Samuel H., Sallie, Lillie, Leona, Annie, George, Turner, Henry, Henrietta, Jessie and Harry Starr, Sarah, Jennie, Samuel, Nola and Robert Barnes, Nellie, Lee, Maxie and Cassie M. McLain, Frances, William B. and Ernest Wilson, and Charles, Emanuel, Beulah, Royal, McKinley, Nathaniel and Bennie Mayfield as Cherokee freedmen, was reversed by the Secretary of the Interior on September 17, 1904, and the Commission ordered to enroll the applicants as Cherokee freedmen.

Respectfully,

Tams Bixby.
Chairman.

END
OF
ROLL

